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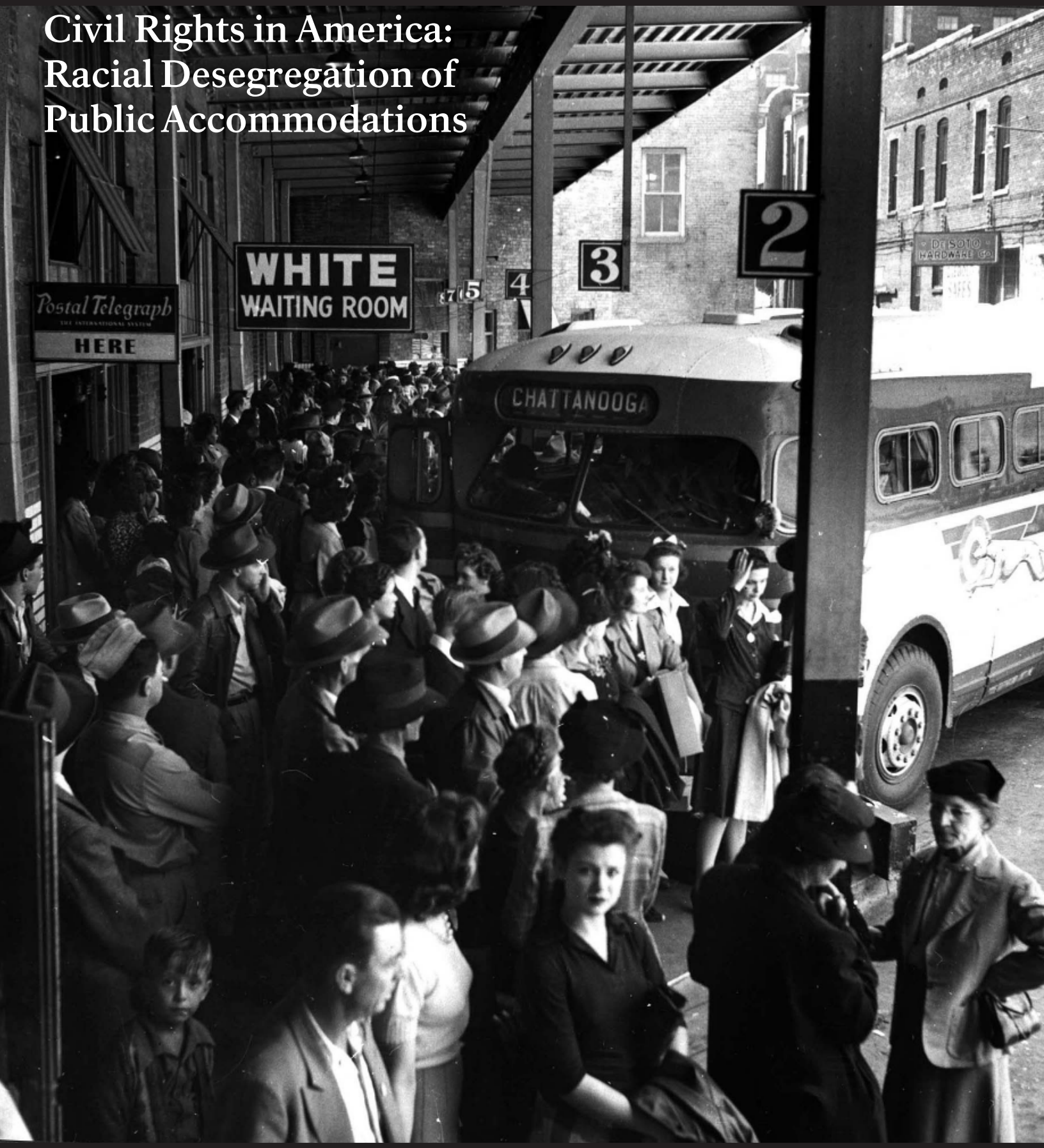
Civil Rights in America: Racial Desegregation of Public Accommodations



A National Historic Landmarks Theme Study

Cover Photograph: People waiting for a bus at the Greyhound bus terminal, Memphis, Tennessee, September 1943. *Library of Congress, Prints & Photographs Division, FSA/OWI Collection [reproduction number: LC-USW3-37974-E]*.

CIVIL RIGHTS IN AMERICA:

RACIAL DESEGREGATION OF PUBLIC ACCOMMODATIONS

A National Historic Landmarks Theme Study

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INTRODUCTION

Marian Anderson performing at the Lincoln Memorial, Washington, D.C. on April 9, 1939. *Marian Anderson Collection, Rare Book & Manuscript Library, University of Pennsylvania.*

INTRODUCTION

In 1999 the U.S. Congress directed the National Park Service to conduct a multi-state study of civil rights sites to determine the national significance of the sites and the appropriateness of including them in the National Park System. To determine how best to proceed, the National Park Service partnered with the Organization of American Historians to develop an overview of civil rights history entitled, Civil Rights in America: A Framework for Identifying Significant Sites (2002, rev. 2008). The framework concluded that while a number of civil rights sites had been designated as National Historic Landmarks, other sites needed to be identified and evaluated. Taking this into account, the framework recommended that a National Historic Landmarks theme study be prepared to identify sites that may be nationally significant, and that the study be based on provisions of the 1960s civil rights acts. These include the Civil Rights Act of 1964 (covering voting rights, equal employment, public accommodations, and school desegregation enforcement), the Voting Rights Act of 1965, and the Fair Housing Act of 1968. This specific portion of the study focuses on the aspect of public accommodations.[1]

> Inclusion in the National Park System first requires that properties meet the National Historic Landmark criteria, and then meet additional tests of suitability and feasibility. To establish guidance on meeting landmark criteria, this study provides a historic context within which properties may be evaluated for their significance in civil rights and establishes registration guidelines for National Historic Landmark consideration. Completion of this study will also assist in the identification of sites for National Historic Landmark evaluation.

Public Accommodations Overview

The physical separation of the races in public accommodations was a resented and demeaning practice for those denied equal access. Segregation in theaters, restaurants, hotels, and buses was a constant irritant in everyday life and an insulting inconvenience. It resulted in direct confrontations between racial minorities claiming the right to pay for goods and services in the marketplace, and white business owners who claimed the right to serve whom they chose. Overall, the civil rights movement forced federal intervention that destroyed the legal foundations of racism and transformed race relations in the nation, particularly the South. The resulting 1964 Civil Rights Act "was a landmark in legislative attempts to improve the quality of life for African Americans and other minority groups." Title II of the act "[o]utlawed discrimination in hotels, motels, restaurants, theaters, and all other public accommodations engaged in interstate commerce."[2]

A thorough study of desegregation of public accommodations requires an initial understanding of how racial segregation has operated in the United States. Segregation did not occur uniformly throughout the United States, and the form and content of this practice changed over time.

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[1] In the area of school desegregation, the National Park Service partnered with the Organization of American Historians to complete a National Historic Landmarks Theme Study entitled, "Racial Desegregation in Public Education in the United States" (2000). Other topics to be covered in future chapters of the civil rights story include housing, equal employment, and voting.

[2] Quoted material from "Major Features of the Civil Rights Act of 1964," at http://www.congresslink.org/print_basics_histmats_civilrights64text.htm, The Dirksen Congressional Center, maintained by CongressLink, accessed March 23, 2009.

Variations in this practice had much to do with the places in which they occurred and the groups involved. This study's emphasis on "racial" segregation and desegregation suggests, however, that the denial of equal access to public accommodations to a group or groups had much to do with the common experience of being labeled nonwhite, and therefore not worthy of equal access on racial grounds. What made each group nonwhite differed from place to place, but the fact that these beliefs applied to various groups in different locations throughout the nation over many years is a testament to the ways in which race has shaped our society. State laws, local ordinances, and customs that segregated whites and blacks were also applied to other minorities. To represent this aspect, this study expands beyond the African American story to include the Hispanic and Asian American stories.

Of special note in documenting the Hispanic experience in discrimination is the level of documentation available in the area of public accommodation segregation and desegregation as compared to other areas of discrimination. The most documented cases of systematic segregation and desegregation have occurred in the realm of education because public schools were the sites of the most organized attempts to separate groups along racial lines. The fight to dismantle school segregation involved numerous court cases such as *Mendez v. Westminster* (1946) and *Brown v. Board of Education of Topeka* (1954) that produced richly documented sources for historians to piece together.[3] Similarly, historians of segregation and desegregation in housing have benefited from rich archival sources such as restrictive clauses in new housing contracts and the records of the Federal Housing Administration. Court cases such as *Shelley v. Kraemer* (1948) figured prominently in the struggle to end the practice of residential segregation that left behind valuable evidence of desegregation.[4] The systematic and legal nature of both educational and housing discrimination has made the writing of this history possible.

In documenting Hispanic experiences of segregation in public accommodations, many historians have relied on oral history and material evidence (such as photos of signs reading "White-trade Only" on places of business) as well as court cases and legislative acts to compile a record of this segregation. Struggles against such systems of discrimination have largely been documented in Spanish and bilingual community newspapers that reported mass movements against theaters, public pools, restaurants, and bars that denied equal service to Hispanic clientele. While these histories provide a fuller picture of the kind of racial exclusion experienced by Hispanic people, they have not been addressed in books and articles focused solely on segregation in public accommodations. Rather, these experiences have been embedded in more general discussions of discrimination and the civil rights movement. Unlike education and housing desegregation that emerged as a result of landmark court decisions, the end of segregation in public

[3] In the case of *Mendez v. Westminster School District*, 64 F. Supp. 544 (1946), 161 F. 2d 744 (1947), the courts found segregation of Mexican students unlawful in California and a denial of the equal protection clause of the Fourteenth Amendment. In *Brown v. Board of Education*, 347 U.S. 483 (1954), the U.S. Supreme Court found public school segregation unconstitutional.

[4] Matt Garcia, A World of Its Own: Race, Labor, and Citrus in the Making of Greater Los Angeles, 1900-1970 (Chapel Hill: The University of North Carolina Press, 2001), 24; George Lipsitz, The Possessive Investment in Whiteness: How White People Profit from Identity Politics (Philadelphia: Temple University Press, 1998), 25-33; Carey McWilliams, "Los Angeles: An Emerging Pattern," Common Ground 9 (spring 1949): 3-10. Shelley v. Kramer, 334 U.S. 1 (1948) found racially restrictive covenants in real estate illegal.

accommodations more often occurred in the wake of direct action such as picketing, boycotts, and media attention to the problem.[5]

The National Park Service also gave consideration to including the American Indian experience in this study. For American Indians (including Alaska Natives and Native Hawaiians), the *Civil Rights in America: A Framework for Identifying Significant Sites* did not identify any events, persons, or places associated with access to public accommodations. It did, however, recognize that the American Indian civil rights story is unique. Therefore, the framework recommended that, subject to available funding, a civil rights study related to American Indians be undertaken.

Study Format

This document begins with a historic context on the segregation and desegregation of public accommodations that includes both places of business and public transportation. The first section on African Americans is divided into four chronological periods. Part One covers the colonial era and extends up to the age of Jim Crow. Part Two covers the age of Jim Crow to World War II. Part Three begins with the effects of World War II on discrimination and explores the various efforts for desegregation in the post war period up to 1954 and the U.S. Supreme Court's decision in *Brown v. Board of Education*. Part Four is devoted to the modern civil rights movement leading up to the passage of the Civil Rights Act of 1964. Subsequent essays explore the Hispanic and Asian American experiences of the nineteenth and twentieth centuries.

Registration guidelines then outline how properties may qualify for National Historic Landmark designation. The summary of identification and evaluation methods describes the methodology used in the survey, and lists currently designated and potential historic properties identified during the course of the study. A series of appendices conclude the study. Appendix A contains a chronological list of selected local and national movements. Appendix B describes the chronological development of the May 1961 Freedom Ride through Alabama and Mississippi. Lastly, Appendix C lists civil rights acts, Interstate Commerce Commission rulings, and U.S. Supreme Court rulings associated with racial discrimination in public accommodations.

[5] The public accommodations overview for the Hispanic experience is excerpted from Matt Garcia's Hispanic context provided for this study.

AFRICAN AMERICAN

PART ONE, 1775-1900

NEGRO EXPULSION FROM RAILWAY CAR, PHILADELPHIA.

Newspaper illustration from the *London News*, September 27, 1856. *African-American Perspectives: The Progress of a People, Library of Congress.*

COLONIAL ERA TO THE CIVIL WAR[6]

Colonial Free Black Population

The issue of equal access to public accommodations arose early in the history of the United States of America. It began in the colonial era and continued through the Civil War into the twentieth century. Since most persons of African descent in the North American colonies, and later the United States, were in bondage prior to the Civil War, the question of race and public accommodations was largely one which affected the class of blacks known as "free Negroes." The origins of this class were characterized by similar factors. Standing out foremost are emancipation or manumission by slave owners, purchase by free blacks or others, escape from slavery, and state action. Between 1775 and 1783, emancipation accelerated in some places during the "atmosphere of freedom" created by the American Revolution.

It is impossible to render an accurate estimate of this free black population before the first census of 1790. Even with the first and later censuses, the enumeration of this population was fraught with difficulties and obstacles. One difficulty was that much of the black population became "invisible" at census-taking time, as many blacks tended to fear census takers as "slave catchers." Another difficulty was how black residences, located in dilapidated and dangerous parts of cities or isolated parts of rural areas, deterred census takers. Lastly, categories of African Americans based upon skin complexion or circumstance of birth complicated specific racial designation.[7]

Beginning in the nineteenth century, growth in the free black population is attributed to the abolition of slavery in the North, the increase of manumissions in the Upper South, and the growing possibility for slaves to either purchase their freedom or run away in the South. By 1830, slavery in the North had been virtually abolished through constitutional, judicial, or legislative action and the free black population had increased substantially from 27,000 in 1790, to about 130,000 in 1830. In the Upper South the free black population rose from 30,000 in 1790, to about 150,000 in 1830. However, the story in the Lower South was quite different. In 1790 there were only about 2,000 free blacks. Even with adding Louisiana after 1803, the free black population in the Lower South was no higher than in the Upper South in 1790.[8]

As this population grew, legal restrictions on their political and civil rights (especially in the cities) were quickly enacted and reflected the steady deterioration of the legal and social status of free blacks, making it difficult to distinguish between slaves and free blacks.[9] Also, fear of slave insurrections, such as Nat Turner's rebellion in 1831, had the effect of deterring further slave

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[6] Part One of this study on African American history was authored by Alton Hornsby, Jr., Fuller E. Callaway Professor, Morehouse College, and Susan C. Salvatore, preservation planner, National Park Service, National Historic Landmarks Program.

[7] Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 15; Donald R. Wright, *African Americans in the Early Republic, 1789-1831* (Arlington Heights, Ill.: Harlan Davidson, Inc., 1993), 126; Alton Hornsby, Jr., *Chronology of African American History*, 2nd ed. (Detroit: Gale Research, Inc., 1997), xx.

[8] Berlin, *Slaves Without Masters*, 46-49; Leon F. Litwack, *North of Slavery: The Free Negro in the United States, 1790-1860* (Chicago: The University of Chicago Press, 1961), 14.

[9] Hornsby, Chronology of African American History, xx-xxi.

manumission and constricting the liberty of free blacks in the South. Some scholars have produced valuable studies on the effect of racism on the free black caste. Historian Winthrop Jordan observed that colonists denounced people they felt could potentially incite slave insurrections. Chief among those suspected were free Negroes who would side with those of their color rather than those of their legal status, and thus became feared and despised for their threat to white society. Historian Leon Litwack noted that the rights of citizenship were withheld from free Negroes and that until after the Civil War "most northern whites would maintain a careful distinction between granting Negroes legal protection—a theoretical right to life, liberty, and property—and political and social equality." Even the social standing between freed white indentured servants and freed slaves differed. Lorenzo Greene, one of the first African American scholars to present a comprehensive study of New England blacks, observed that freed servants became respected members of the community, while freed slaves remained in a lower social status even if they had taken on their former masters' culture.[10]

Antebellum Exclusion & Segregation

The northern colonies primarily tended to address issues of the right to public accommodations through local ordinances and customs. Up to the Civil War, the colonies, and later states, most often "reserved" public accommodations for whites only. Litwack summarizes the separate treatment of African Americans thusly:

> They were either excluded from railway cars, omnibuses, stagecoaches, and steamboats or assigned to special "Jim Crow" sections; they sat, when permitted, in secluded and remote corners of theaters and lecture halls; they could not enter most hotels, restaurants, and resorts, except as servants; they prayed in "Negro pews" in the white churches. . . . Moreover, they were often educated in segregated schools, punished in segregated prisons, nursed in segregated hospitals, and buried in segregated cemeteries.[11]

In 1804, Ohio took the lead in passing Black Laws that were designed to restrict the rights and freedom of movement of free blacks in the North that served as early precursors to "Jim Crow" ordinances and legislation. Blacks were barred from the militia and medical infirmaries, and even though they paid equal taxes on their property, their children were excluded from public schools.[12]

In Massachusetts, blacks sought an end to the state's Jim Crow transportation practices. When the Boston and Providence Railroad opened its route to New York, the company's president

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[10] Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (New York: W. W. Norton, 1977), 122-123; Litwack, *North of Slavery,* 15; Lorenzo Greene, *The Negro in Colonial America* (New York: Columbia University Press, 1942), 299, 332.

[11] Litwack, *North of Slavery*, 97. The term "Jim Crow" originated in 1832 as the name of a character in a song and dance written by Thomas D. Rice, a well-known minstrel of the time. Minstrel shows were popular before the Civil War and featured white performers in black face portraying "musical, lazy, childlike blacks." Eric Foner, ed., *America's Black Past*: *A Reader in Afro-American History* (New York: Harper and Row Publishers, 1970), 142. In regard to segregation, the term "Jim Crow" first came into use prior to the Civil War. In the 1830s, "Jim Crow Cars" referred to segregated cars on some northern railroad lines. Otherwise the system of Jim Crow segregation applies to the post-Reconstruction era beginning in 1877 when southern states took legal action to separate the races in public spaces.

[12] William Cheek and Aime Lee Cheek, *John Mercer Langston and the Fight for Black Freedom, 1829-1865* (Urbana: University of Illinois Press, 1996), 49, 135.

stated that "an appreciable number of the despised race demanded transportation. Scenes of riot and violence took place, and in the then existing state of opinion, it seemed to me that the difficulty could best be met by assigning a special car to our colored citizens."[13] Massachusetts newspapers in 1838 reported frequent incidents of Negroes refusing to sit in Jim Crow sections and being forcibly removed from the train. Negroes also sought relief through the legislature and white abolitionists encouraged boycotts. As a result, a joint legislative committee recommended a bill to halt discrimination. Negative reaction followed. Fearing increased integration, one state senator declared that "such legislation would not stop at forcing the mixture of Negroes and whites in railroad cars, but would subsequently be applied to hotels, religious societies, and through all ramifications of society." The act failed to pass.[14]

By 1841, intense efforts to end Jim Crow cars began. Black abolitionists like Frederick Douglass refused to move to the Jim Crow car and did so only after being physically removed from their seats.[15] In 1842, the black abolitionist Charles Lenox Redmond went before a committee in the Massachusetts legislature to protest his segregation in a "special railway car for negroes." Touching upon the right to equality and inherent inferiority without it, Redmond stated that "the wrongs inflicted and injuries received on railroads by person of color . . . do not end with the termination of the route, but in effect, tend to discourage, disparage, and depress this class of citizens."[16]

Protests, changing public opinion, and threats of legislative action caused rail companies in Massachusetts to abandon segregation practices in 1843. Elsewhere in the North, by 1865, abolitionists and blacks used petitions, legislative lobbying, boycotts, and law suits to thwart northern segregated transportation. Although the practice continued on a limited basis, Jim Crow travel ceased as a major problem for northern blacks.[17]

For southern blacks, segregation was not always legally or rigidly enforced. However, Negroes generally could not enter hotels and restaurants, and in some locations faced discrimination in public conveyances. Overall, they were separated from whites in public buildings if accommodated at all. In Charleston, Richmond, and Savannah, blacks could enter public grounds and gardens only during certain hours or were restricted all together. At times separate institution building for blacks occurred (albeit for the economic advantage of white business owners). One such example was an "exclusive resort for free people of color" on Louisiana's

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[13] Litwack, *North of Slavery*, 106-107.

[14] Ibid., 103-104, 108; Darlene Clark Hine, William C. Hine and Stanley Harrold, *The African-American Odyssey*, 2nd ed. (Upper Saddle River, N.J.: Pearson Education, Inc., 2002), 153, 316.

[15] August Meier and Elliott Rudwick, *Along the Color Line: Explorations in the Black Experience* (Urbana: University of Illinois Press, 1976), 308-309.

[16] Mortimer J. Adler, Charles Van Doren, and George Ducas, eds., *The Negro in American History* (Chicago: Encyclopaedia Britannica Educational Corp., 1969), III:146-150. Quotation on 147.

[17] Catherine Barnes, *Journey from Jim Crow: The Desegregation of Southern Transit* (New York: Columbia University Press, 1983), 2.

Lake Pontchatrain. Opened by a New Orleans railroad in the 1830s, the railroad instituted "blacks only" cars to transport their patrons.[18]

A major opportunity for judicial interpretation of segregation presented itself when abolitionists and others brought a suit on behalf of a bondsman, Dred Scott. Between 1834 and 1838, Scott's owners had taken him into the free territories of Illinois, Minnesota, and Wisconsin. Scott sued for his freedom contending that he should be a free man under the provisions of the Missouri Compromise of 1820. In 1857, the U.S. Supreme Court ruled in *Scott v. Sandford* that Scott was not and could not be a citizen of Missouri "within the meaning of the Constitution of the United States" and thus could not sue in its courts. Furthermore, the Court held that Congress had no authority to forbid slavery in the territories.[19]

Quasi-free blacks and their white allies reacted quickly and angrily to the Court's decision, which placed their already fragile rights in further jeopardy. Indeed, the *Scott* decision seemed to firmly institutionalize the inferior status of all blacks and to place them only at the sufferance of whites. While most vowed to do what they could "by all proper means," greater despair overcame many; others plotted rebellion with their white allies. But plots and rebellions, even the sensational one by white abolitionist John Brown at Harpers Ferry, Virginia in 1859, were no match for a Slavocracy (an economic and political system in which slavery is the organizing principle) that was fully supported by the United States government. The inability of many in the North and West to accept the possibility of a nation dominated by Slavocracy proved to be the catalyst that would soon reopen the doors of "freedom" to quasi-free blacks and lead to the emancipation of African American bondspeople. The conflict between slave states and free states soon tore the nation asunder.

RECONSTRUCTION'S BLACK CODES TO THE AGE OF JIM CROW

The Civil War brought major alterations in almost every aspect of American life. Foremost among these were the destruction of American Negro slavery and the granting of citizenship rights to freed and free blacks. Lincoln issued the Emancipation Proclamation on January 1, 1863, and he spoke of freedom and justice in the Gettysburg Address of 1863. After his assassination, blacks and fellow Republicans mourned "the Great Emancipator," while the more ardent of the radical Republicans took heart in the ascension of his successor, the maverick democrat Andrew Johnson of Tennessee. Johnson proved disheartening to black civil rights advances as southern provisional legislatures, established under Johnson's presidency, adopted Black Codes to limit Negro civil rights. From 1865 to 1867, blacks were restricted from insane asylums, orphanages, poorhouses, institutions for the deaf and dumb, and either prohibited from first class rail cars or required segregated cars.[20]

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[18] C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, Inc., 2002), 13-14; Berlin, *Slaves Without Masters*, 322-323.

[19] Stanley I. Kutler, *The Dred Scott Decision: Law or Politics* (Boston: Houghton Mifflin Co., 1967), xvi-xix, 8-9; John R. Howard, *The Shifting Wind: The Supreme Court and Civil Rights from Reconstruction to Brown* (Albany: State University of New York Press, 1999), 12, 19. *Scott v. Sandford,* 60 U.S. 393 (1857).

[20] Howard N. Rabinowitz, "From Exclusion to Segregation: Southern Race Relations, 1865-1890," *The Journal of American History* 63 (September 1976): 326. Florida did not racially discriminate in handing down a sentence for breaking its segregated transportation law. A misdemeanor penalty applied to either colored or white people who entered a car reserved for the opposite race. The accused faced either standing "in pillory for one hour," or being

To enforce the end of slavery and ensure equal rights for freed blacks, the Republican Congress proposed the Civil Rights Act of 1866. The act declared that all persons born in the United States (except Indians) were citizens regardless of race, color, or previous condition of slavery or involuntary servitude. Under the act, blacks received rights they could enjoy as equally as whites, such as the ability to make and enforce contracts and to purchase and hold property.[21] But, on March 27, 1866, President Andrew Johnson vetoed the landmark legislation on the grounds that it violated states' rights. The Republican Congress was able to override Johnson's veto. Continuing southern resistance prompted Congress to further action when, in March 1867, it approved the first Military Reconstruction Act halting Johnson's reign over Reconstruction. The act separated the former Confederate states (except Tennessee) into five military districts to be overseen by Union generals.

The occupying federal troops and the Freedmen's Bureau forced modifications of racial policies in many parts of the South. Historian Howard Rabinowitz describes this as an important shift from racial exclusion to racial segregation. For example, Alabama admitted blacks for the first time to its insane asylum on a segregated basis. Nashville's street car company went from excluding blacks to providing them with a separate car. Separate or "special" sections of public cemeteries continued.[22]

Most southern Republicans did not force integration on opposing whites for various reasons. These included "their own racial prejudice, the need to attract white voters to the party, or the belief that legislated integration was unconstitutional or simply could not succeed." Instead they supported replacing exclusion with segregation on an equal basis. Perhaps this "would appease blacks," according to Rabinowitz, "and not frighten prospective white voters with the specter of miscegenation."[23]

Nonetheless, exclusion persisted. In Montgomery, blacks had their own skating rink and picnicked at Lambert Springs and Cypress Pond whereas whites attended Oak Grove and Pickett Springs. In Nashville, blacks attended "colored fairgrounds."[24] Some recreational places went from equal access to segregation. In April 1871, New Orleans's Metairie Racecourse forced black horse racing fans onto a separate stand and at the Louisiana Jockey Club in 1873, blacks were admitted to the Fair Grounds Course but excluded from the quarter stretch, "a stand at the finish line." Previously allowed in any part of the French Opera House, blacks were restricted in

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whipped up to thirty-nine times, or both. Gilbert Thomas Stephenson, "The Separation of the Races in Public Conveyances," *American Political Science Review* 3 (May 1909): 181, quoting from Laws of Florida, 1865, 25.

[21] Adler, The Negro in American History, II:270.

[22] Rabinowitz, "From Exclusion to Segregation," 327. Work of the Freedmen's Bureau included supervising affairs related to newly freed slaves in the southern states.

[23] Ibid., 332. Rabinowitz also held that segregation was strengthened when blacks formed their own institutions after being excluded, 326, note 3.

[24] Ibid., 331-332, see notes 38 and 39 for references to the *Montgomery, Alabama State Journal*, the *Nashville Republican Banner*, and the *Montgomery Advertiser*.

the winter of 1874-1875, "allegedly in response to 'the clamor of the White League and its foolish prejudices'."[25]

Streetcar Segregation

Streetcar exclusion and segregation became an increasingly contentious area of southern race relations that did not go unchallenged. Four blacks excluded from streetcars in Richmond, Virginia in April 1867, staged a sit-in on a streetcar. City officials claimed that the privately owned railway company could set its own regulations. Federal military authorities overruled the city officials stating that all paying passengers had a right to ride the streetcars. Nonetheless, the authorities did permit the use of segregated cars, an arrangement similar to those allowed by authorities in cities such as Charleston, Mobile, and Nashville.[26]

By 1867, blacks in New Orleans had declared war on streetcar segregation; a practice bitterly resented by Negroes "for it caused them considerable inconvenience and afforded them a constant reminder of their inferior station in society." New Orleans' segregated cars, known as "star cars" because of a star painted on their sides, came to symbolize white supremacy. Whites often crowded blacks out of these cars, thus excluding Negroes completely or forcing them to stand in the aisles. Then, on April 28, 1867, a black man was arrested for trying to force his way into a white streetcar. Although the breach of peace charge was subsequently dismissed, the defendant countersued the streetcar starter for assault and battery. Following this incident, blacks intensified their war against discrimination on the streetcars. Omnibus authorities responded with a policy of "passive resistance" promulgated to avoid violence or lawsuits. Henceforth, operators refused to proceed until the colored passengers left on their own.[27]

The situation climaxed one weekend in May 1867, as "a bellicouse [*sic*] crowd of colored men and boys" gathered in the city and brought New Orleans on "the brink of race warfare." The crowd "began harassing the passing white cars by shouting curses, blocking the street, and by showering the cars with a variety of projectiles." Meanwhile, blacks attempted to board white cars, and in one case, white passengers drove them back. Violence broke out as armed blacks entered cars, overpowered white passengers, and threatened drivers. Roving fights between white and black gangs occurred throughout the city and an estimated five hundred black protesters gathered in Congo Square on Rampart Street and overtook white streetcars.[28]

Rather than calling in federal forces to quell the disturbances, the mayor of New Orleans promised the protesters an immediate review of the streetcar segregation policies. Car company spokesmen asked the city to support the "star" system, but executives, taking into account business and property losses, resolved otherwise. Streetcar desegregation came about slowly and with limited turmoil. With dismay, the *Daily Picayune*, a white militant supremacist newspaper,

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[25] Dale A. Somers, "Black and White in New Orleans: A Study in Urban Race Relations, 1865-1900," *Journal of Southern History* 40 (February 1974): 26, referencing *New Orleans Louisianian*, April 9, 1871 and May 2, 1874.

[26] Rabinowitz, "From Exclusion to Segregation," 330-331.

[27] Roger A. Fischer, "A Pioneer Protest: The New Orleans Street-Car Controversy of 1867," *Journal of Negro History*, 53 (July 1968): 219-233, quote on 219.

[28] Ibid., 223-226, quoted material on 223, 224.

prophesied that the action to desegregate the streetcars was "simply the introductory step to more radical innovations which must materially alter our whole social fabric."[29]

Success at integrating streetcars also occurred in Louisville, Kentucky between 1870 and 1871. All three of that city's streetcar companies had their own rules of segregation. Black women could ride on certain routes, while black men were either totally excluded or rode on a front platform with the driver. On October 30, 1870, the first planned "ride-in" occurred. A crowd of blacks numbering between two hundred and three hundred gathered in Quinn Chapel on Walnut Street. They chose three men to board a streetcar at the Central Passenger Railroad Company's stop at Tenth and Walnut. After refusing to leave the streetcar, some of the drivers forced them out, whereupon other blacks "hurled hunks of hard mud at the car." Efforts to re-board the car prompted further unrest, leading police to arrest the riders for disorderly conduct. The local court judge fined them $5.00 and refused to hear their attorneys' arguments on the larger issue of racial equal rights. Black leaders then decided to pursue the case at the federal level.[30]

The riders finally won their case on May 11, 1871, in the U.S. District Court. But streetcar companies did not capitulate as blacks tested their right to ride over the next three days and drivers refused to move the cars. Eventually tensions erupted in front of the Willard Hotel as whites forcibly removed a black youth from a car and police had to break up the crowd. Although denouncing the ride-ins, the city's newspapers called for segregated cars. In a meeting with the mayor and railway officials, blacks refused to accept the offer of segregated cars, and facing economic and political issues, the companies agreed to integrate.[31]

Overall, between 1868 and 1873, seven southern states enacted civil rights laws to end segregated transportation. In South Carolina, one passenger traveling on a newly integrated river steamer in 1868 from Charleston to Beaufort described Negro passengers as being everywhere and, "choosing the best state rooms and best seats at the table." Some cities outside the South witnessed success in legally challenging segregation. Between 1865 and 1873, cases in Philadelphia, San Francisco, and Chicago found segregation unlawful on certain conveyances. During the late nineteenth century mixed southern streetcar seating generally "remained the rule" only to be segregated again at the turn of the century.[32]

Legislative and Judicial Action: 1868-1883

There was enough concern about the constitutionality of the Civil Rights Act of 1866 to spur its supporters to incorporate major provisions into a proposed constitutional amendment. Northern abolitionists agreed that such a push forward to secure black citizenship, as had been the case with black freedom, should be through a constitutional amendment. The establishment of citizenship and civil rights was proposed in the Fourteenth Amendment to the Constitution in

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[29] Ibid., 226-230, newspaper quote on 230. Streetcars were resegregated in 1902.

[30] Majorie N. Norris, "An Early Instance of Nonviolence: The Louisville Demonstrations of 1870-71," *The Journal of Southern History* 32 (November 1966): 491-494, quote on 492. The decision to go to the federal level was based on the fact that the state's courts refused black testimony.

[31] Ibid., 498-502.

[32] Barnes, *Journey from Jim Crow*, 3; Woodward, *The Strange Career of Jim Crow*, 27 for quote on state rooms; Stephenson, "Separation of the Races," 187; Meier and Rudwick, *Along the Color Line*, 309 for "remained the rule" quote.

1866 and ratified by the states in 1868. Section 1 made all persons born within the country citizens of the United States and the states where they resided, and forbade the states to make or enforce any laws denying such persons the full rights and privileges of such citizenship. Political matters, white racism, and other considerations soon undercut the intended effects of the amendment. Aided by a "white backlash" bolstered by economic dominance, exploitation, and violence, the full thrust of the amendment was circumvented, violated, and ignored throughout the South and in many parts of the North.

In 1873, the U.S. Supreme Court made its first anti-segregation ruling in a railroad case when a black woman was forced to leave the car reserved for whites to an equal car reserved for blacks. Congress had chartered the line in 1863 and required that no person "be excluded from the cars on account of color." Therefore, the Court interpreted the act as meaning that persons of color could ride in the same cars as whites, even when the cars were equal.[33]

In the same year, Delaware, passed a resolution supporting Massachusetts's Senator Charles Sumner's supplemental civil rights bill, then before the U.S. Senate, that would become the Civil Rights Act of 1875. Congress passed the act to guarantee blacks equal access to public accommodations and transportation. Section 1 of the act entitled all U.S. citizens "to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions established by law, and applicable to citizens of every race and color, regardless of any previous condition of servitude."[34] The often poorly enforced law came under early and consistent fire from opponents, both in the North and South. Many whites charged that the act interfered with the legitimate rights of individuals to run their own businesses and the rights of state and municipal governments to regulate those businesses as well as its own institutions. Negroes however, as a rule, "were not aggressive in pressing their rights, even after they were assured them by law and protected in exercising them by the federal presence. It was easier to avoid painful rebuff or insult by refraining from the test of rights."[35]

Following passage of the act, the U.S. Supreme Court gave an indication of its stance on the constitutionality of segregation. In this case, black passenger Josephine DeCuir had sued the steamship captain of the *Governor Allen* for denying her admission to the stateroom reserved for whites on a trip between New Orleans, Louisiana, and Vicksburg, Mississippi. The suit charged that the policy violated Louisiana's 1869 Civil Rights Act prohibiting racial discrimination in public transportation. In 1877, the Court unanimously ruled in the case of *Hall v. DeCuir* that state laws were not applicable to interstate vessels and that only Congress could regulate interstate commerce. The Court had reasoned that varying state regulations would be a burden on interstate commerce. Thus, states could not require interstate carriers to offer integrated facilities.[36]

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[33] Stephenson, "Separation of the Races," 182-183, 187-188; *Washington, Alexandria and Georgetown Railroad Company v. Brown,* 84 U.S. 445 (1873).

[34] Stephenson, "Separation of the Races," 184, quoting from 18 Stat. at Large, 335-336.

[35] Civil Rights Act of 1875, Ch. 114, 18 Stat. 335; Woodward, *The Strange Career of Jim Crow*, 28.

[36] *Hall v. DeCuir*, 95 U.S. 485 (1877); Barnes, *Journey from Jim Crow*, 5; Kermit L. Hall, ed., *The Oxford Companion to the Supreme Court of the United States* (New York: Oxford University Press, 1992), 358-359.

Six years later in 1883, five challenges to the Civil Rights Act of 1875 reached the U.S. Supreme Court and were heard collectively as the *Civil Rights Cases*. In one of these cases, Bird Gee, an African American, attempted to get a meal in an inn owned by Murray Stanley in Kansas. Stanley refused to serve Gee who immediately filed a grievance with the U.S. District Attorney. On April 14, 1876, Stanley was indicted by a federal grand jury for refusing the "privileges of an inn to a person of color." Stanley appealed to the federal circuit court, contending that Congress lacked constitutional authority to enact a public accommodations law. The circuit court was unable to reach a decision and sent the matter to the U.S. Supreme Court.[37]

The four companion cases came from other sectors of the country. Black patrons faced discrimination in the "dress circle" at Maguire's Theater in San Francisco, the Grand Opera House in New York City, Nichol's Inn in Missouri, and the "ladies car" on a train in Memphis, Tennessee. All but the Tennessee case were criminal prosecutions brought forth by the U.S. government. The fact that three of the cases came from the North and West and one from a border state demonstrated anew that segregation in public accommodations was not just a southern issue.[38]

In declaring the Civil Rights Act of 1875 unconstitutional, the Court said that the act was not authorized by either the Thirteenth or Fourteenth Amendments to the Constitution. In essence, the Court found that individuals were protected from the infringement of their civil rights by federal and state governments, but not by other individuals. In his dissent, Justice John M. Harlan argued that the Thirteenth Amendment "did something more than to prohibit slavery as an institution," and that Congress was authorized under the Fourteenth Amendment to pass laws governing both individual and state action in the field of civil rights.[39]

While many whites applauded the Court's decision, black spokespersons condemned it; some, in especially strong terms. African Methodist Episcopal (AME) Bishop Henry McNeal Turner, the leading supporter of black emigration to Africa in the last part of the nineteenth century, blasted the Supreme Court ruling as a "barbarous decision." He said, "it reduces the majesty of the nation to an aggregation of ruffianism, opens all the issues of the late war, sets the country to wrangling again, puts the negro back into politics, revives the Ku-Klux Klan and the white leaguers, resurrects the bludgeons, sets men to cursing and blaspheming God and man, and literally unties the devil."[40]

The Supreme Court's decision in many respects simply codified what had taken place in much of the country, the exclusion by custom and law of blacks from most public facilities. It came in the wake of a growing movement, particularly in the South, to exclude and/or segregate blacks in such places. The extent and growing uniformity of such legislation led scholars and others to call the period the Era of Jim Crow.

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[37] Civil Rights Cases, 108 U.S. 3 (1883); Loren Miller, The Petitioners: The Story of the Supreme Court of the United States and the Negro (New York: Pantheon Books, 1966), 3-4.

[38] Miller, *The Petitioners*, 137.

[39] Ibid.

[40] Edwin Redkey, comp. and ed., *Respect Black: The Writings and Speeches of Henry McNeal Turner* (New York: Arno Press, 1971), 60-69, quotation on 60.

Jim Crow Segregation

Following the civil rights cases, and the inability of the federal government to insure civil rights, states either passed their own equality laws or created laws that segregated on the basis of equal accommodations. Between 1884 and 1887, Ohio, Nebraska, Indiana, Rhode Island, Michigan, Pennsylvania, and Massachusetts enacted provisions to prohibit discrimination based on race in accommodations and/or conveyances. New York, in 1893, added cemeteries as a place of no color distinction.[41]

After Reconstruction, hotels and restaurants in New Orleans generally excluded blacks as whites "became committed to white supremacy and a caste system identified with the southern way of life." As one journalist noted, "colored travellers, opera, minstrel, other troupes and excursionists are often in the papers with a tale of grievances about the hardships of travel because of caste distinctions by which they are kept out of the first-class hotels and public comforts."[42]

Challenges to segregation after passage of the 1875 Civil Rights Act had varying results. The Richmond *Dispatch* reported that blacks won access to one theater's exclusive white dress circle.[43] However, most attempts to integrate failed at theaters, hotels, bars, restaurants, and within transportation. In Augusta, blacks dined at separate tables at the Planter's Hotel and in Montgomery's Ruby Saloon they imbibed at a separate "small counter" away from the main bar.[44]

Lack of black resistance was one of the reasons for the failure of a sustained opposition to segregation. Five prominent blacks in Nashville argued that Negroes would not invoke the Civil Rights Act "to make themselves obnoxious" since they "had too much self respect to go where they were not wanted . . . such actions would lead only to disturbances and 'colored people wanted peace and as little agitation as possible'."[45] Another reason was based on making a living. Black business owners with a white clientele were hesitant to serve other blacks for fear of losing white business. For example, in Chattanooga, a black barber refused shaves for blacks. When black customers questioned whether their money was not as good as white money, the barber replied, "Yes just as good, but there is not enough of it." While for others it meant losing their jobs should they choose to challenge access. Lastly, some blacks viewed the prospect of equal separate facilities as an improvement over exclusion.[46]

While black opposition to segregation sometimes wavered, blacks at times used segregation as a way to control obnoxious whites. In 1866, a black rider on a Nashville streetcar "threatened a

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[41] Stephenson, "Separation of the Races," 186.

[42] Somers, "Black and White in New Orleans," 38, 29 referencing *New Orleans Southwestern Christian Advocate*, March 24, 1887.

[43] Rabinowitz, "From Exclusion to Segregation," 336 referencing *Richmond Dispatch*, Dec. 9, 11, 1875.

[44] Ibid., 336-337, referencing the *Atlanta Constitution*, March 9, 1875 and the *Montgomery Advertiser*, May 12, 1875.

[45] Ibid., 346 quoting from the *Atlanta Constitution*, March 6, 1875.

[46] Ibid., 347, Chattanooga quote from the *Cincinnati Commercial* as quoted in the *Nashville*, *Republican Banner*, June 17, 1874.

boycott unless the company protected black passengers from abusive whites who force their way onto the car and used obscene language in front of black women." Colored theatergoers in Norfolk, Virginia petitioned the managers of a new opera house "to give them a respectable place to sit, apart from those of a lewd character."[47]

Following Reconstruction, Jim Crow legislation requiring separate railroad cars or compartments for blacks and whites became more common in the South, but not without protest. In 1887, civil rights activist Ida B. Wells was dragged from the first-class ladies car to the car reserved for smokers and black passengers. Wells pressed charges and won her case in circuit court with headlines reading "Darky Damsel Obtains a Verdict for Damages Against the Chesapeake & Ohio Railroad." In a short victory for desegregation, the decision was reversed at the state supreme court.[48]

As Jim Crow tightened its grip on freedom for blacks, a bright spot seemed to appear in the passage by Congress of the Interstate Commerce Act of 1887. This law included provisions for regulating railroad travel. Section 3 of the act required carriers to provide equal facilities for all passengers. The act also established the Interstate Commerce Commission (ICC) as the agency to implement the law and to investigate complaints. However, little changed as the ICC subsequently upheld "separate but equal" facilities, ruling only that separate and unequal accommodations violated Section 3 of the act.[49]

"Separate but equal" became the basic framework of Jim Crow legislation. Between 1887 and 1892, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Maryland, North Carolina, Kentucky, South Carolina, Tennessee, and Virginia all enacted new segregation and discrimination laws.[50] The Jim Crow laws differed in small particulars, but maintained a consistency in requiring separate accommodations for blacks and whites in transportation and most other public accommodations including hospitals, hotels, insane asylums, restaurants, saloons, prisons, theaters, and cemeteries. Even prostitution "suffered the effects of segregation." In New Orleans, prostitutes serving both black and white men had become a rarity by 1880. In Atlanta, black and white prostitutes were confined to separate city blocks.[51]

Segregated conditions existed at parks such as Atlanta's Ponce de Leon Springs with its "separate dance halls and refreshments stands." Only whites could use the new pavilion at Nashville's Glendale Park and the swimming pool at Raleigh's Brookside Park. A new zoo in Atlanta's Grant Park opening in 1890 featured cages in the middle of the building with an aisle

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[47] Ibid., quoting from *Nashville Press and Times*, June 26, 1866, and the *Richmond Virginia Star*, March 27, 1880.

[48] Willi Coleman, "Black Women and Segregated Public Transportation: Ninety Years of Resistance," in *Black Women in American History: The Twentieth Century*, ed. Darlene Clark Hine (New York: Carlson Publishing, Inc., 1990), 297.

[49] For rulings see *Councill v. Western and Atlantic Railroad Co.,* 1 ICC 339 (1887), and *Heard v. Georgia Railroad Co.,* 1 ICC 428 (1888). Stephen J. Riegel, **"**The Persistent Career of Jim Crow: Lower Federal Courts and the "Separate but Equal" Doctrine, 1865-1896," *The American Journal of Legal History* 28 (January 1984): 27; Ari Arthur Hoogenboom and Olive Hoogenboom, *A History of the ICC, from Panacea to Palliative* (New York: W. W. Norton, 1976).

[50] For information on the first Jim Crow laws see Eric Foner, *America's Black Past*, 245-246, 250-251; Rabinowitz, "From Exclusion to Segregation," 342-353. Virginia repealed its Jim Crow laws in 1904.

[51] Rabinowitz, "From Exclusion to Segregation," 337; Barnes, *Journey from Jim Crow*, 7-8.

on one side for whites and an aisle on the other side for blacks. Some parks in the 1880s were open to both blacks and whites such as Nashville's Watkins Park and Atlanta's Grant Park and Piedmont Park where the Atlanta *Constitution* reported that blacks and whites watched a Negro militia company drill.[52]

Many African Americans and their sympathizers and supporters among other racial and ethnic groups attacked the Black Codes and other Jim Crow legislation in word and deed. These efforts had already suffered a setback in the U.S. Supreme Court in 1890, when the Court upheld a Mississippi law that required separate accommodations for blacks and whites in *Louisville, New Orleans, and Texas Railway Company v. Mississippi*. The railway company claimed that separate accommodations placed an economic burden on interstate carriers. The Court's decision was also contrary to its *Hall* ruling in 1877, which held that only Congress could regulate interstate travel. In its turnabout, the Court reasoned that the Mississippi law in the *Louisville* case was a regulation of intrastate commerce and therefore did not violate the commerce clause.[53]

A combination of other issues contributed to a wave of segregation laws in the South. Among these were claims of scientific proof of the inferiority of the black race, the desire of Northerners to end sectional divisions, and the control of white southerners over a "new generation of blacks" who would not know their place without legal force. In addition, agrarian dissenters, who had formed the 1890s Populist Party, had struck a biracial alliance with black farmers whom they viewed as being in the same situation as themselves in the agricultural depression. Conservative whites sought to eliminate the agrarian revolts by dividing the races. As a result, black status fell and subsequently blacks faced voting registration requirements and racial violence. Into the early twentieth century, states passed laws codifying racial habits and customs.[54]

Booker T. Washington Speech

Some blacks acquiesced in the legislation and its resulting environment. Still others apparently defended the measures and their results. The most powerful and public black voice countenancing Jim Crow was that of Booker T. Washington. The principal of Tuskegee Institute in Alabama since 1881, Washington was born into slavery in Virginia in 1856. He worked his way through Hampton Institute in Virginia and became a protege of its white principal Samuel Armstrong. Armstrong was a strong supporter of agricultural-industrial education for the freedpersons as well as proponent of segregation. Washington seemed to adopt not only his mentor's educational philosophy, but also much of his racial views. By the time Frederick Douglass, the preeminent black leader of the times, died in February 1895, Washington had obtained a national reputation for his educational work at Tuskegee. While raising funds for his school, Washington had also impressed Northern philanthropists and others with his racial approach of not agitating the questions of political rights or racial equality. Many blacks had

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[52] Rabinowitz, "From Exclusion to Segregation," 338 referencing *Nashville Banner*, October 16, 1882, Atlanta *Constitution*, July 5, 10, 1890, and April 4, 1890.

[53] Howard, Shifting Wind, 138-141; Barnes, Journey from Jim Crow, 7-8; Louisville, New Orleans, and Texas Railway Company v. Mississippi, 133 U.S. 587 (1890).

[54] Barnes, Journey from Jim Crow, 8-9; Leon F. Litwack, Trouble in Mind: Black Southerners in the Age of Jim Crow (New York: Alfred A. Knopf, 1998), 230.

also come to respect and admire him for his educational work at Tuskegee as well as his messages of industry, thrift, and uplift for their race.

In the fall of 1895, as the South celebrated almost three decades of economic progress at the Cotton States International Exposition in Atlanta, Georgia, its promoters felt that it was fitting to have a "Negro section," and a black speaker to highlight the southern blacks' "progress." They chose Booker T. Washington as the black spokesperson. Washington's persona and his oratory exceeded all expectations. Washington espoused a belief that economic stability for blacks would in turn gain them political rights. His message helped to solidify the tone and the etiquette for race relations in the South, and much of the nation, for the next half-century.[55] On September 15, 1895, Washington told his segregated audience, including some of the South's most prominent white leaders and reporters from the national press:

> As we have proved our loyalty to you in the past, in nursing your children, watching by the sick-bed of your mothers and fathers . . . we shall stand by you with a devotion that no foreigner can approach, ready to lay down our lives, if need be, in defense of yours, interlacing our industrial, commercial, civil, and religious life with yours in a way that shall make the interests of both races one. *In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress* (emphasis added).[56]

Washington's speech became controversial, even as he delivered it. Most of the whites in the audience cheered it enthusiastically, some blacks were seen crying. The address was widely reported in the press and drew immediate national reaction. President Grover Cleveland wrote Washington a note of congratulations saying: "Your words cannot fail to delight and encourage all who wish well for your race; and if our coloured fellow citizens do not from your utterances gather new hope and form new determinations to gain every valuable advantage offered them by their citizenship, it will be strange indeed." The editor of *The Atlanta Constitution* called the speech "a revelation."[57]

Black reaction to Washington's speech was mixed. W. E. B. Du Bois, who was soon to emerge as one of the leading black spokespersons of the times and a later critic of Washington, sent Washington a letter congratulating him on his "phenomenal success at Atlanta." He said the speech was "a word fitly spoken." Du Bois later wrote in the *New York Age*, that Washington's views "might be the basis of a real settlement between whites and blacks in the South."[58]

One of the first black opponents, AME Bishop Henry McNeal Turner, stated that:

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[55] Hornsby, *Chronology of African American History*, 107; Philip F. Rubio, *A History of Affirmative Action, 1619-2000* (Jackson: University Press of Mississippi, 2001), 54-55; Booker T. Washington, *Up From Slavery* (New York: Airmont Classic edition, 1967), 134-139; Alessandra Lorini, *Rituals of Race: American Public Culture and the Search for Racial Democracy* (Charlottesville: University Press of Virginia, 1999), 59.

[56] Booker T. Washington, *Up From Slavery* (New York: Dodd, Mead & Company, 1965), 139-141.

[57] Ibid., 143-144.

[58] W. E. B. Du Bois, "Strivings of the Negro People," *Atlantic Monthly*, August 1897, 194-198; Du Bois's quotes from Brook Thomas, ed., *Plessy v. Ferguson: A Brief History with Documents* (Boston: Bedford Books, 1997), 140.

> the great professor adjudged it prudent and discreet to pass by those phases of our barbarous civilization, as well as the efforts being made to disfranchise the Negro in some of the states. . . . [S]ocial equality carries with it civil equality, political equality, financial equality, judicial equality, business equality, and wherever social equality is denied by legislative enactments and judicial decrees, the sequel must be discrimination, proscription, injustice and degradation.
>
> . . . With all due respect to Prof. Washington personally, for we do respect him personally, he will have to live a long time to undo the harm he has done to our race.[59]

Whatever some blacks thought about Washington's racial philosophy as expressed at the Cotton States Exposition, later events were to prove it almost prophetic. For within a year after the Atlanta address, the U.S. Supreme Court made his philosophy of race relations "the law of the land."

Plessy v. Ferguson, 1896

The case of *Plessy v. Ferguson*, which supplied the occasion for the court's landmark decision, had its origins in Louisiana. In 1890, Louisiana passed a law calling for "equal but separate" accommodations on railroads for "whites" and "coloreds." Protesting this law was a group of Creoles and blacks who formed the Citizens Committee to Test the Constitutionality of the Separate Car Law. This group arranged a test case along with the railroad that opposed the law due to the expense of supplying another car. An "exceedingly light-skinned Negro" named Homer Plessy agreed to test the law. Plessy was subsequently arrested for sitting in the white car.[60] In his defense, Plessy contended that the Louisiana statute requiring segregation was unconstitutional. On appeal to the U.S. Supreme Court, Plessy's attorneys argued that if the segregation law was upheld, states could "require separate cars for people with different colors of hair, aliens, or Catholics or Protestants or to require colored people to walk on one side of the street and white people on the other side, or to demand that white men's homes be painted white and black men's homes black."[61]

In 1896, the Supreme Court decided against Plessy. Justice Henry Billings Brown writing for the majority concluded that legislative bodies were "powerless to eradicate racial instincts," and that "if one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane." Equal rights did not necessitate the "enforced commingling of the two races."[62] In his lone and now famous dissent, Justice John Harlan offered that "Our Constitution is color blind, and neither knows nor tolerates classes among citizens."[63] Thus the notion of "separate but equal" had been judicially sanctioned by the nation's highest court and Jim Crow

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[59] Redkey, *Respect Black*, 165-166.

[60] Hall, *The Oxford Companion*, 637; Richard Kluger, *Simple Justice* (New York: Vintage Books, 1977), 73.

[61] Howard, *Shifting Wind*, 143-144.

[62] *Plessy v. Ferguson,* 163 U.S. 537, 559 (1896); Thomas, *Plessy*, 50-51.

[63] Thomas, *Plessy*, 58; Mark Elliott, "Race, Color Blindness, and the Democratic Public: Albion W. Tourgée's Radical Principles in Plessy v. Ferguson," *Journal of Southern History* 67 (May 2001): 288-289; Howard, *Shifting Wind,* 145-151; Rubio, *A History of Affirmative Action*, 80-81.

had been given a new birth–a new license to "jump up and down."[64] State laws mandating racial segregation quickly followed the *Plessy* ruling ensuring a Jim Crow system in the South. The most blacks could aspire for was equal accommodations.

Plessy v. Ferguson provoked a huge outpouring of public reaction. Supporters of the decision included much of the southern press and some of the northern news media, law professors, students and journalists, political and religious leaders, and businessmen. The Rochester, New York, *Union Advertiser* saw the decision as a victory for states' rights, saying that, "[t]he question was purely one of state power." The Richmond, Virginia, *Dispatch* alleged that "[s]ome colored people make themselves so disagreeable on the cars that their conduct leads white men to ponder the question whether such a law as that of Louisiana is not needed in all the Southern States."[65]

Public opponents included some of the white press, some white social and political leaders, much of the black press and leading black spokespersons. The *New York Tribune* found that it was "unfortunate . . . that our highest court has declared itself in opposition to the effort to expunge race lines in State legislation." The *A. M. E. Church Review* typified reaction in the black press and much of black America. In an editorial in June 1896, the periodical of one of the largest African American religious denominations observed that "the Court virtually takes the position that any law not involving the rights of the Negro to sit upon juries and to vote, is unconstitutional, on the ground that race conflicts will arise, if the prejudices of large numbers of the white race are thwarted."[66]

One of the first prominent black spokesmen to react was the "accommodationist" Booker T. Washington. Washington, who secretly sponsored civil rights suits and attacked racism in his later years,[67] believed that the "separate but equal doctrine:"

> may be good law, but it is not good common sense. The difference in the color of the skin is a matter for which nature is responsible. If the Supreme Court can say that it is lawful to compel all persons with black skins to ride in one car, and all with white skins to ride in another, why may it not say that it is lawful to put all yellow people in one car and all white people, whose skin is sun burnt, in another car.
>
> But the colored people do not complain so much of the separation, as of the fact that the accommodations, with almost no exceptions, are not equal, still the same price is charged

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[64] Hine et al., *The African-American Odyssey*, 153, 316. In its opinion, the Supreme Court singled out the separate but equal aspect addressed in the *Roberts v. City of Boston* case of 1849 in which the state's Supreme Court had found separate but equal schools valid despite the fact that later, in 1855, the Massachusetts legislature enacted a law prohibiting school segregation.

[65] Thomas, *Plessy*, 128-134 including quoted materials; Kluger, *Simple Justice*, 72-73.

[66] Thomas, *Plessy*, 128, 131, 134.

[67] Louis R. Harlan, "Booker T. Washington: 1865-1915, Educator," at http://www.docsouth.unc.edu/Washington/bio.html, accessed January 30, 2004; "Booker T. Washington," at http://www.nps.gov/bowa/btw.bio.html, Booker T. Washington National Monument Home Page, accessed January 30, 2004.

> the colored passengers as is charged the white people.[68]

The National Federation of Afro-American Women condemned the Court's decision, and in a resolution that foretold of future boycotts, proclaimed:

> So long as we continue to spend thousands of dollars every year on needless excursions, we enrich the railroads at our expense. Cut off this source of revenue because of the "Jim Crow Car" into which the wives, mothers, sisters and daughters of the race are forced to ride and the railroads will fight the separate car law through self interest.[69]

[68] Thomas, *Plessy,* 135.

[69] Coleman, "Black Women and Segregated Public Transportation," 298, quoting from The History of the National Club Movement Among Colored Women of the United States, as Contained in the Minutes of the Convention Held in Boston, July 29, 30, 31, 1895, and the National Federation of Afro-American Women, Held in Washington, D.C., July 20, 21, 22, 1896 (1902), 93. The National Federation of Afro-American Women was comprised of representatives from 87 women's groups of which 37 were in the South. Coleman, 299.

AFRICAN AMERICAN

PART TWO, 1900-1941

"Sign above moving picture theater." Waco, Texas. November 1939. *Library of Congress, Prints and Photographs Division [reproduction number: LC-USF33-12498-M2]*.

THE AGE OF JIM CROW TO WORLD WAR II[70]

After *Plessy* "settled the race question," the mode of race relations which Jim Crow laws had prescribed became the standards of conduct for public facilities across the nation; although their major impact was in the South where the vast majority of blacks still lived. While only three states required segregated waiting rooms prior to 1899, within the next decade several other states followed. Other laws excluded blacks from Pullman cars, steamboats, and streetcars. Trolley car segregation in particular continued to be a major object of black protest. In most places streetcar companies opposed these laws for fear of lost revenues from declining black patronage, enforcement difficulties, and the cost of adding separate cars for blacks. At times, the streetcar company reversed its position based on public sentiment. Some bills never passed, while others were delayed.[71]

Documentation exists from 1900 to the 1940s on the resentment blacks had toward Jim Crow carriers as described in Catherine Barnes's *Journey from Jim Crow*. One observer of the early 1900s noted in the South that "No other point of race contact is so much and so bitterly discussed among the Negroes as the Jim Crow." Barnes wrote "that the Jim Crow car was for many people a symbol of the entire order of racial separation in the South," and that the humiliation was associated with its role in "the daily routine of life."[72]

The standards of conduct were not always accepted. Many blacks and their allies in other racial and ethnic groups continued to press legal and extra-legal challenges to the separate but equal doctrine. They saw such continued agitation and protest as urgent, even an instrument of survival, as they came to believe that the environment sustained by *Plessy* nurtured the continued violence perpetrated against African Americans.

Boycotts

In the face of cresting southern racism supported by the separate-but-equal doctrine, Negro disfranchisement, and northern white indifference, blacks relied on boycotts as a way to protest oppression without confrontation. Highly influential in these boycotts was an elite group of business and professional men, newspaper editors, and some ministers. Their participation was reflective of a conservative black leadership in the South at a time of accommodation as a way "to preserve dignity in the face of a humiliating social change." As historians August Meier and Elliot Rudwick explain, the boycott was "a multifaceted response to oppression that protested and yet avoided confrontation with the discriminating whites. . . . By attacking and yet withdrawing, the boycotters . . . were both protesting against race prejudice and accommodating to it." It was, as Meier and Rudwick add, "the least militant variety of what today is called nonviolent direct action."[73] For some blacks, boycotting came easy in the light of Jim Crow

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[70] Part Two of this study on African American history was authored by Alton Hornsby, Jr., Fuller E. Callaway Professor, Morehouse College, and Susan C. Salvatore, preservation planner, National Park Service, National Historic Landmarks Program.

[71] Barnes, Journey from Jim Crow, 10; Meier and Rudwick, Along the Color Line, 268.

[72] Barnes, Journey from Jim Crow, 18.

[73] Meier and Rudwick, *Along the Color Line*, 282-283. For further information on streetcar protests see Walter E. Campbell, "Profit, Prejudice, and Protest: Utility Competition and the Generation of Jim Crow Streetcars in Savannah, 1905-1907," *The Georgia Historical Quarterly* 70, no. 2 (1986): 197-231; John William Graves, "Jim Crow in Arkansas: A Reconsideration of Urban Race Relations in the Post-Reconstruction South," *Journal of*

humiliation. Others boycotted under peer pressure. In Savannah, blacks opposed to the boycotts were "publicly denounced at mass meetings as 'demagogues and hypocrites'," and on the downtown street corners blacks "heckled riders as they got off and urged those ready to board the trolleys to take a hack instead."[74]

To cope with transportation needs during the boycotts, blacks either walked to work or used their own system of wagons, carriages, and hacks. Besides an informal transit system, blacks also considered forming their owned transit companies. Two such systems functioned in Virginia and Tennessee in 1905 and 1906 respectively. These systems showed a shift by blacks toward "economic advancement, self-help, and racial solidarity."[75]

In one turnabout, blacks used their informal system to exclude or segregate whites during a 1904 streetcar strike in Houston that left whites walking. A local news story reported how a black driver refused to provide a ride to a white businessman because the city council would not let blacks and whites ride together. In a more direct affront, some black conveyances had "a space in the rear some two feet in length blocked off by a piece of cardboard bearing the legend, 'For Whites Only'."[76]

Between 1900 and 1906, twenty-five southern cities experienced streetcar boycotts. At the turn of the century many city or state ordinances required streetcar segregation in the states of Georgia, Florida, Alabama, South Carolina, Texas, Virginia, Louisiana, Tennessee, Mississippi, Oklahoma, and North Carolina. Boycotts lasted anywhere from weeks to up to three years and protests occurred in all the former Confederate states.[77] Some newspapers commented on the effectiveness of the boycotts. In May 1900, the *Augusta Chronicle* reported: "It was noticeable that the negroes did not take to the cars as usual on Sunday. On about every fourth car passing one or two could be seen." After passage of streetcar segregation laws in Mobile in November 1902, the *Daily Register* reported that "nearly all of them are walking." Newspapers in New Orleans observed that "there were so many empty seats in the Negro compartment that the whites bitterly resented having to stand." Reports in the colored press (referred to as "colored weeklies" by Meier and Rudwick) were supportive. The *Atlanta Age* stated "that you can stand on the streets all day and never see a Negro riding."[78]

Southern History 55, no. 3 (1989): 421-428; and J. Morgan Kousser, "A Black Protest in the 'Era of Accommodation': Documents," *Arkansas Historical Quarterly* 34 (summer 1975): 161-173.

[74] Meier and Rudwick, *Along the Color Line*, 272 from the *Savannah Morning News*, Sept. 14, 16, 17, 23, and Oct. 1, 2, 1906.

[75] Ibid., 274.

[76] Ibid., 273-274, quote from story in the *Houston Daily Post*, June 3, 1904.

[77] Ibid., 268-269, 283.

[78] Ibid., 271 citing from *Augusta Chronicle*, May 21, 1900; *Mobile Daily Register*, Nov. 4, 11, 1902; *New Orleans Times-Democrat*, Nov. 4, 6, 1902, and *New Orleans Southwestern Christian Advocate,* Nov. 6, 1902; and *Atlanta Age*, n.d., quoted in Richmond *Planet*, April 7, 1900.

In the end the boycotts failed due to a lack of black political power, disfranchisement, and the absence of federal authority from either the courts or military officials who had left the South.[79] Remarking on the failure of the boycotts in their study of the streetcar boycott movement, Meier and Rudwick found it noteworthy that the boycotts "happened in so many places and lasted as long as they often did."[80]

Organizing

Besides boycotts, one formal group of individuals gathered to rail against the degrading conditions of blacks nationwide and other racial issues. These individuals assembling near Niagara Falls in 1905, officially abandoned any previous acquiescence to separate-but-equal and demanded full equality of rights. Led by W. E. B. Du Bois and William Monroe Trotter, editor of the *Boston Guardian* (a weekly newspaper on race relations), the group of notable black ministers, journalists, educators, businesspersons, lawyers, and others declared that:

> Any discrimination based simply on race or color is barbarous, we care not how hallowed it be by custom, expediency, or prejudice. . . . [D]iscrimination based simply and solely on physical peculiarities, place of birth, color [of] skin, are relics of that unreasoning human savagery of which the world is and ought to be ashamed.
>
> We protest against the 'Jim Crow' car, since its effect is and must be to make us pay first-class fare for third-class accommodations, render us open to insults and discomfort, and to crucify wantonly our manhood, womanhood, and self-respect.[81]

The organization was called the Niagara Movement whose purpose was to renounce Booker T. Washington's conciliatory approach with a militant alternative. A year later, the Niagara Movement demanded an end to discrimination in public accommodations citing that "Separation in railway and street cars, based simply on race, is un-American, undemocratic, and silly."[82] Lacking mass support, the group dissolved in 1911. Some of its members, such as Du Bois, had already joined with white liberals in 1909 to form the National Association for the Advancement of Colored People (NAACP).

The NAACP placed an emphasis on ending rail discrimination practices following the U.S. Supreme Court's ruling in a 1914 transportation case that found in favor of the interests of black travelers. In *McCabe v. Atchison, Topeka & Santa Fe Railway*, the Court ruled that an

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[79] Barnes, Journey from Jim Crow, 12.

[80] Meier and Rudwick, *Along the Color Line*, 284.

[81] Alder, *The Negro in American History*, 59, 62, quoting the *Cleveland Gazette,* July 22, 1905; Richard Wormser, "Niagara Movement (1905-1910)," at www.pbs.org/wnet/jimcrow/stories_events_niagara.html, accessed April 18, 2003. The meeting occurred on the Canadian side of the falls after hotel managers on the American side refused accommodations to the group.

[82] "W. E. B. Du Bois addresses the second annual meeting of the Niagara Conference, Harpers Ferry, WV, August 16, 1906," at www.pbs.org/greatspeeches/timeline/web_dubois_s.html, accessed April 18, 2003, since retired. In his introduction Du Bois states: "Discrimination in travel and public accommodations has so spread that some of our weaker brethren are actually afraid to thunder against color discrimination as such and are simply whispering for ordinary decencies." Meier and Rudwick noted that the Niagara Movement provided no support for the streetcar protests of the early twentieth century, only proclaiming that the black-owned transportation companies were exemplary business enterprises. Meier and Rudwick, *Along the Color Line*, 282.

Oklahoma act authorizing railroad companies to provide Pullman cars for whites, but none for blacks, could be seen as a denial of equal protection. It further found that the law had to apply equally to an individual as it would to a group, otherwise it made a constitutional right dependent upon being part of a group. Because of procedural problems, this portion of the statute was not enjoined, however the ruling provided standing for individual blacks to file suit for equal accommodations that would prove crucial in future litigation almost three decades later. While initially promising, legal battles against public carriers waned during and after World War I. During the war, the NAACP abandoned its effort to end rail discrimination when the federal government took over the rail lines and refused to halt segregation, even for black military men. After the war the organization lacked the resources to commence a full-scale attack aimed specifically at segregated public carriers.[83]

Segregation in the Federal Government

Officially sanctioned racial discrimination even reentered institutions of the federal government during Woodrow Wilson's administration, thus reversing fifty years of integrated civil service. This policy was unexpected by the many blacks that had supported Wilson in the 1912 election, believing him to be a Progressive who would deal fairly with Negroes in promoting their interests in the country. But this period of social protest and economic reform was limited to the benefit of the white world at a time of pervasive Negro disfranchisement and all-out state sponsored discrimination. In writing on Wilsonian segregation, historian Nancy Weiss noted that "white America linked Progressive democracy and equality to greater separation from Negroes."[84] Wilson's stance with blacks suffered further when he and his cabinet attended a private viewing of "The Birth of a Nation" at the White House. In 1914, nationwide protests emerged over this controversial D. W. Griffith film depicting "vicious distortions of Negro activities during the Reconstruction era" that "infused new life into the Ku Klux Klan."[85]

In the summer of 1913, those working in federal departments were relegated to segregated toilets, lunchroom facilities, and work areas, and anyone applying for a federal job now had to add a photo to their application. In 1913 and 1914, blacks reacted. Civil rights advocate and federal employee Mary Church Terrell desegregated restrooms in her work area after threatening to go public with the arrangement.[86] Likewise in 1914, a delegation of Negro leaders, led by

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[83] Barnes, *Journey from Jim Crow,* 12-13, 17; *McCabe v. Atchison, Topeka, & Santa Fe Railway Co.*, 235 U.S. 151 (1914). In this case, the Atchison, Topeka, and Santa Fe Railway Company had not supplied a separate black Pullman car because of the costs involved.

[84] Nancy J. Weiss, "The Negro and the New Freedom: Fighting Wilsonian Segregation," in *The Age of Jim Crow: Segregation from the End of Reconstruction to the Great Depression*, ed. Paul Finkelman (New York: Garland Publishing, Inc., 1992), 545-548.

[85] Ibid., 556; Klan quote from Mark Grossman, *The ABC-CLIO Companion to the Civil Rights Movement* (Santa Barbara: ABC-CLIO, 1993), 16.

[86] "The Rise and Fall of Jim Crow: Segregation in the U.S. Government (1913)," at www.pbs.org/wnet/jimcrow/

stories_events_segregation.html, maintained by Public Broadcasting Service (PBS), accessed March 25, 2009. White and colored clerks working on federal postal cars slept in the same cars and terminals without separate accommodations, because according to the post office department, the matter was out of its control. Under the situation there was "a growing discontent on the part of the white postal clerks to be so intimately associated with the colored clerks." Stephenson, "Separation of Races," 198, quoting from the *Raleigh News and Observer*, March 12, 1907.

William Monroe Trotter, met Wilson at the White House whereupon the group "detailed instances of continued segregation, charged certain officials with race prejudice, asked for investigation and redress by executive order, and predicted Negro opposition to the Democrats in 1916." Wilson asserted that segregation enforcement was "for the comfort and best interest of both races in order to overcome friction." The president abruptly ended the contentious meeting. Among the factors that may have contributed to the failure to integrate the federal government was the lack of "a cohesive, tightly organized program" during a time when fights against lynching and the right to vote took on more prominence than "gaining political positions."[87]

World War I to the 1930s

An increased desire and urgency of many African Americans for full equality accompanied both their participation in World War I and the great migration by more than one million southern blacks, by 1918, for jobs in the North and the West. During this time, Jamaican activist Marcus Garvey introduced an alternative to integration espoused by the NAACP. On August 1, 1914, Garvey founded the Universal Negro Improvement Association, a separatist movement that attracted a lower social and economic level of blacks than the NAACP and "promoted black social and moral independence within white society."[88] Garvey exalted race pride and "everything black."[89] He received a wide following in the early 1920s that "offered the best testimony to the sense of betrayal the war and its aftermath kindled in black communities."[90] His popularity declined in 1923 after being convicted of fraud in the conduct of his steamship line.

Overall, black hopes for equality were diminished in the summer of 1919 as a new watershed in racial disturbances "spread like wildfire" across the nation. The worst riot began on a Lake Michigan beach in Chicago when a black youth drifted into the "whites only" swimming area. White swimmers demanded that the youth return to his section of the beach and some threw stones at him. The youth drowned, but there was no indication that he had been stoned. Rumors of the incident sparked thirteen days of violence despite the presence of the state militia. In the end 38 people died, including 15 whites and 23 blacks, and 537 people were injured.[91]

Direct action protest against segregated public accommodations was unusual during this time period as transportation segregation expanded. The 1920s and 1930s gave way to segregation on local and long distance buses. In the 1930s, Jim Crow laws became effective on buses and in bus depots in eleven southern states. While segregation by airline companies did not last, southern airport terminals segregated their facilities through either custom or by law in the 1930s and 1940s.[92]

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[87] Weiss, "The Negro and the New Freedom," 555, 561.

[88] Grossman, The ABC-CLIO Companion, 207.

[89] John Hope Franklin, *From Slavery to Freedom: A History of Negro Americans* (New York: Knopf, 1967), 489-490.

[90] Foner, The Story of American Freedom, 175.

[91] Franklin, *From Slavery to Freedom*, 472, 482.

[92] Barnes, *Journey from Jim Crow*, 14; Meier and Rudwick, *Along the Color Line,* chapter 14, endnote 9.

Discrimination in the New Deal Era

The Great Depression of the 1930s, the New Deal, and the years leading up to the United States entry into World War II were momentous for the whole nation. Like all Americans, African Americans suffered through the travails of the economic collapse and rallied with the New Deal. Yet, Jim Crow still lurked and loomed large in the everyday lives of black Americans. An example of daily life can be gleaned from the Federal Writers' Project of the Works Progress Administration that undertook the publication of state guidebooks in the 1930s. As part of the "Negro Studies" project, black writers recorded data concerning racial practices. In Arkansas, questionnaires were sent to survey accommodations available for black tourists. The Secretary of the Chamber of Commerce in Cotter, Arkansas replied:

> [T]there is no discrimination against the negro tourists in this section of the State. All garages and service stations give to the negro the same courteous treatment as to whites.
>
> Hotels and tourist camps up to this time have made no provision as to sleeping quarters for negroes, but cafes and hotels do furnish meals. Negro drivers for white tourists are furnished with sleeping quarters. I do not know of any negro tourists having applied for and been refused sleeping quarters, but they might have difficulty in securing same. However, they would be politely refused and not mistreated.
>
> Baxter County does not have a negro within its bounds, and the negro tourist trade is not sufficient to justify preparation for same, or the furnishing of accommodations. Vacant lots and city parks are available to the Negro, for camping purposes, without cots.
>
> The "Gypsy" is about the only one against whom a prejudice exists in Baxter County.

The president of the Chamber of Commerce in Newport, Arkansas wrote:

> I do not think that there is any section in the state of Arkansas that the negro would be discriminated against as long as he knows his place and most of our southern negroes do. However, the negroes from the north and east are not familiar with the conditions and laws in the south especially, in Arkansas, and would possibly have a right to feel that they are being discriminated against. For reason they are not allowed certain privileges of the white people. Namely, eating at the same table, rooms at the same hotel, riding in the same sections on trains. Divisions are made of the passengers in buses, trolley cars and other conveyances. These are laws our state enforces very rigidly.[93]

Protests against such discrimination remained at the grassroots level. Although the NAACP was able to devote some attention to complaints against Jim Crow carriers in the 1930s, its limited funding was directed toward its campaign to end discrimination in public education. Thus, in the 1930s, direct action protests came into prominence as blacks lost economic ground and society experienced a "general leftward drift." In the realm of public accommodations, Communist party activities were the major drive. This was especially true in the North, and less so in the Border States and the Upper South. As early as 1929, Communists held demonstrations in various places of public accommodation in cities like New York, Cleveland, and Pittsburgh at a

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[93] Gerda Lerner, ed., *Black Women in White America: A Documentary History* (New York: Vintage Books, 1973), 397-398. Letters from H. J. Denton, July 3, 1936 and Marion Dickens, July 6, 1936 from the Works Projects Administration Manuscript, Federal Writers' Project, Negro Studies, National Archives, Record Group 69.

time when direct action against segregated accommodations was uncommon. These protests continued into the Depression, but by the mid-1930s, protests declined with later incidents mainly occurring at hotels associated with Communist conventions. Black sponsored protests in the Upper South and Border States concentrated on a fairer application of accommodations, as opposed to integration, in mostly theaters and auditoriums. Picketing and boycotts occurred in cities such as Raleigh, Richmond, and St. Louis. In Washington, D.C., blacks protested at the National Theater after being relegated to side entrances, undesirable seating, and at times, total exclusion.[94]

President Franklin D. Roosevelt, the architect of the New Deal, had been elected in 1936 with unprecedented black support for a Democrat. He, and particularly his wife, Eleanor, had expressed some progressive views, even on racial matters. Mrs. Roosevelt often backed up her words with deeds. For example, while attending a meeting of the Southern Conference for Human Welfare in Birmingham in 1938, she defied the city's segregation ordinance and its police chief, Eugene "Bull" Connor who threatened to arrest anyone who crossed racial lines by placing her chair directly on the line dividing whites and blacks.[95]

But her husband had to construct his New Deal assault on the nation's economic and social ills amid often open, and powerful, opposition from southern democrats. New Deal benefits to blacks came in the form of economic assistance rather than civil rights, and New Deal programs generally did not challenge segregation. The Civilian Conservation Corps remained segregated in the South, but during its existence, about 200,000 blacks worked in camps the agency created. U.S. Housing Authority subsidies (later the Federal Public Housing Authority) funded segregated housing projects in the South, while some projects in the North were integrated.[96] Nevertheless, some New Deal era legislation did provide a basis for challenges to Jim Crow. The 1935 Motor Carrier Act (also known as the Motor Vehicle Act), for example, prohibited discrimination on interstate buses. However, it was not until 1953 before a challenge under the act reached the ICC.[97]

The anti-discrimination feature of the Motor Vehicle Act of 1935 was indeed an aberration, when compared to the general patterns of segregation and discrimination in the New Deal years. A major incident, early in President Roosevelt's third term, served to highlight the matter. By 1936, contralto Marian Anderson had achieved an international reputation as one of the greatest musical performers of the twentieth century. She had appeared in most of the larger and more prominent concert halls in the nation as well as many of Europe's most famous halls. In 1936, she made a second triumphant tour of the Soviet Union. In many of her appearances throughout

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[94] Meier and Rudwick, *Along the Color Line*, 314, 339-340, 342.

[95] Doris Kearns Goodwin, *No Ordinary Time: Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Touchstone, 1995), 163; "Virginia Durr," at http://www.wellesley.edu/Anniversary/durr.html, Wellesley College, accessed March 25, 2009.

[96] Franklin, *From Slavery to Freedom*, 534, 536, 537.

[97] Section 216(d) of the act. The challenge went to the U.S. Supreme Court in 1955 in *Keys v. Carolina Coach Co.,* 64 MCC 769.

the country and the world, Anderson had broken down racial barriers. But her talents and fame did not win acceptance everywhere. [98]

In 1939, a concert featuring Anderson, which had been originally scheduled at predominately black Howard University in Washington, was planned for Constitution Hall in the nation's capitol. The hall was owned by the Daughters of the American Revolution (DAR). When the DAR refused, on account of race, to host the Anderson concert, a wave of protest erupted in the nation and elsewhere. First Lady Eleanor Roosevelt resigned her membership in the DAR in protest. She then, with the help of Secretary of the Interior Harold L. Ickes, arranged for Anderson to perform at the Lincoln Memorial. On Easter Sunday, 1939, an interracial crowd of seventy-five thousand persons gathered at the Memorial for an historic concert. The performance was one of "the most significant concerts . . . in American music history" and dealt a symbolic blow to Jim Crow. The DAR officially lifted its racial ban at Constitution Hall in 1952.[99]

In the same year, in what may have been the nation's first sit-in to protest the "separate but equal" treatment of African Americans, Samuel W. Tucker, a black attorney in Alexandria, Virginia led a group of five men who challenged Jim Crow in his city's public library. Dressed in pinstripe suits and straw hats, the young men entered the library and asked for a library card. When the librarian refused, they seated themselves at separate tables. In a 1990 interview with the *Washington Post*, one of the sit-in members stated: "The whole setup was that we would each sit at a different table and read a book, and that we would remain silent the whole time so they couldn't arrest us for disorderly conduct." Following the arrest of the group for trespassing, Tucker filed suit to end segregation at the library. There was no final ruling in the case but the judge made clear that there were no restrictions against blacks attending the library. Rather than admit blacks, the city built a "separate-but-unequal" branch library. Tucker, whose civil rights record began with a refusal to give up his bus seat to a white person at age fourteen, went on to become one of Virginia's most prominent civil rights attorneys.[100]

Breaching Jim Crow in 1941

The first major legal breach to segregated public carriers came in a case brought forth by a black congressman, Arthur L. Mitchell. The son of former Alabama slaves, Mitchell was educated at Tuskegee Institute, where he was Booker T. Washington's "office boy," and at Talladega College also in Alabama. After teaching in rural Alabama schools, Mitchell served as an assistant law clerk in Washington, D.C. He later moved to Chicago and became active in Republican politics. However, he switched to the Democratic Party, "with the shifting black party preference in the Depression years." Although, he was the first black democrat elected to

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[98] Mildred Denby Green, "Anderson, Marian (1902-)," in *Black Women in America: An Historical Encyclopedia*, ed. Darlene Clark Hine (Brooklyn: Carlson Publishing Co., 1993), I:33.

[99] Ibid; "Biography of Marian Anderson," at http://www.kennedy-center.org/calendar/

index.cfm?fuseaction=showIndividual&entitY_id=3688&source_type=A, The Kennedy Center, accessed March 25, 2009.

[100] Annie Gowen, "Overdue at the Library," *The Washington Post*, August 23, 1999, C1-2.

the Congress, Mitchell "professed to be a moderate." Nevertheless, he brought and sustained the long and costly suit that led to the end of Jim Crowism in Pullman railroad cars.[101]

On April 20, 1937, Mitchell took a train out of Chicago to Hot Springs, Arkansas. He held a first-class ticket. Early the next day as the train crossed into Arkansas, Mitchell was ordered out of the first class car by the train's conductor, who informed him that under Arkansas's Jim Crow law he could not ride in the Pullman coach. He was then placed in a second-class Jim Crow car.[102] The black lawmaker sued the Chicago, Rock Island and Pacific Railroad for $50,000 in damages. He also filed a complaint with the ICC, charging that he experienced "undue or unreasonable prejudice or disadvantage," contrary to federal law.[103] The next year, ICC commissioners voted to dismiss his complaint by a one-vote margin, ruling that under the Interstate Commerce Act "not all discrimination was unlawful, only discrimination which was undue, unreasonable, and unjust." The commission went on to say that a "burden would have been placed on the railroad by requiring the provision of segregated first-class accommodations to the relatively small number of blacks seeking to travel first class."[104]

Mitchell's brief attacked segregation itself, and if the court found that view unacceptable, offered that blacks had a right to equal treatment under the Fourteenth Amendment, one that was not based on the level of demand as shown under the 1914 *McCabe* case where the court had emphasized that equal protection was a right belonging to the individual, not simply to blacks as a group. Because the ICC was a federal agency, the challenge was also directed at the United States. Rather than joining the ICC, the Justice Department filed a brief in support of Mitchell's claim; a move that indicated an executive level "awareness concerning racial discrimination . . . and indicated the greater political and organizational pressure blacks were exerting on the federal government." In opposition, ten southern states also aired their concerns in an amicus brief to preserve their segregation legislation.[105]

Mitchell's lawsuit finally reached the Supreme Court in 1941. The Supreme Court of the late 1930s had undergone a change in membership and doctrines as a result of President Roosevelt's appointment of new members to replace four departed conservative Court members. The Court shifted from one that "thwarted programs for economic recovery" to a Court that "started to carve out a role for itself as a defender of individual liberties and civil rights." On April 28, 1941, the Court unanimously ruled in Mitchell's favor. The opinion did not challenge segregation directly; rather the Court held that Mitchell had been denied equal treatment with white passengers who occupied first-class accommodations. This decision made life easier for interstate black passengers riding in first-class cars, but not for the majority who traveled in second-class compartments.[106]

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[101] Hornsby, *Chronology of African American History*, 81, 89, see Nov. 7, 1934 and April 28, 1941.

[102] Howard, *Shifting Wind*, 268-269.

[103] Barnes, *Journey from Jim Crow*, 26-33. The case was *Mitchell v. United States*, 313 U.S. 80 (1941).

[104] Howard, Shifting Wind, 269.

[105] Barnes, Journey from Jim Crow, 27-28.

[106] Ibid., 25, 26-33, quote on 25.

Conclusion, African American, 1775-1941

Attitudes about race, ethnicity, and nationality, which British colonists brought to America in the sixteenth and seventeenth century, helped to shape the conditions and circumstances under which African Americans would live in the American colonies and later in the United States of America. These attitudes helped to rationalize the enslavement of Africans and their degradation, even when "free." Systematic discrimination was practiced against people of African origins in both word and deed.

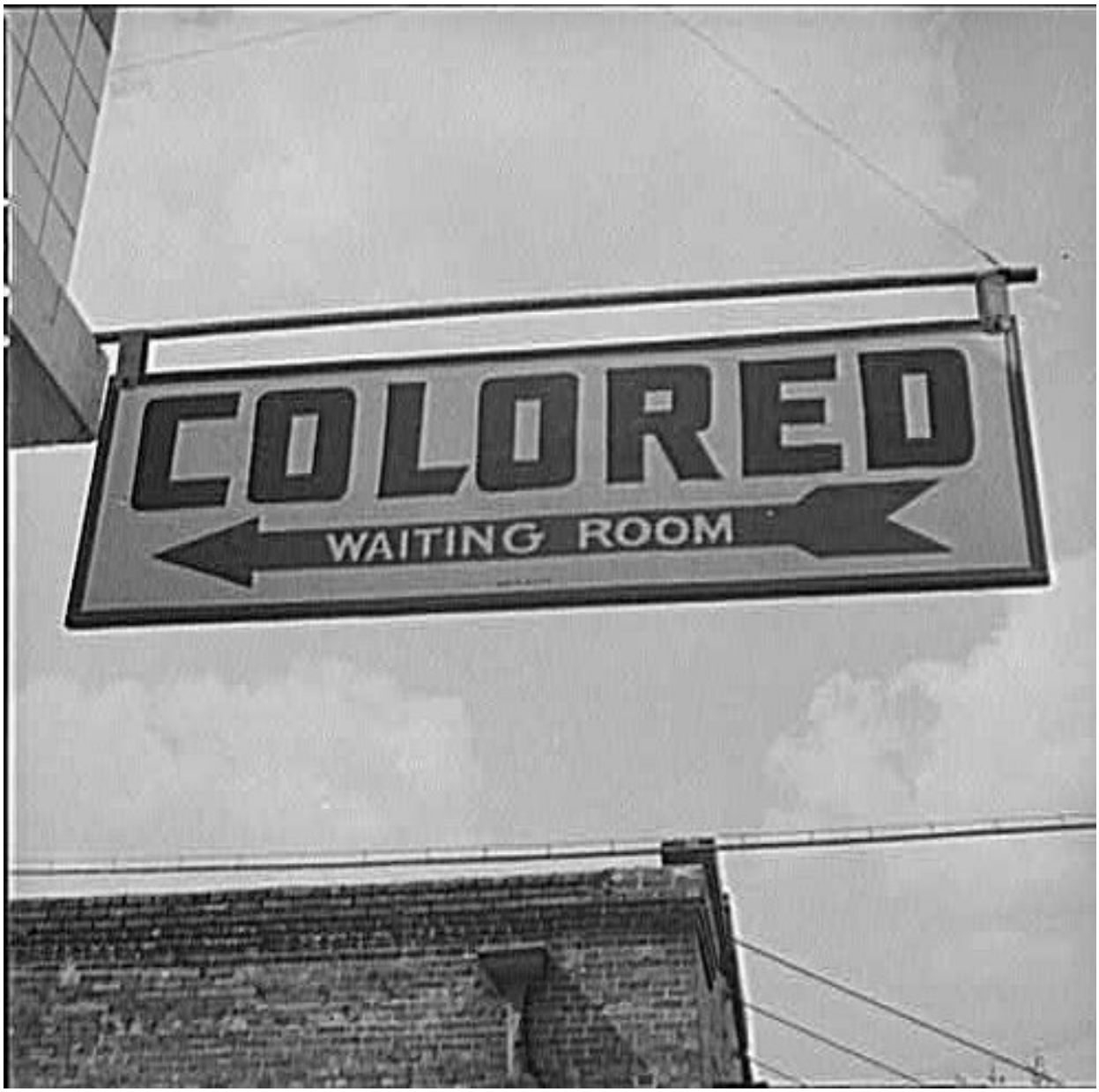
This bias was gradually codified into both federal and state laws and into city ordinances. Major federal legislation, including the Civil Rights Act of 1866, the Civil Rights Act of 1875, and the Interstate Commerce Act of 1887 as well as the Thirteenth, Fourteenth and Fifteenth Amendments to the U.S. Constitution sought to grant equal standing under the law to African Americans. But the U.S. Supreme Court, especially in the *Dred Scott* decision of 1857, the *Civil Rights Cases* of 1883, and the *Plessy v. Ferguson* decision of 1896 sanctioned the "badge of inferiority" which the state and local governments had placed on black Americans. Some white Americans reinforced the proscribed "place" of blacks through extra-legal terror, such as lynchings and other violent attacks.

In addition to legal actions and public protests, African Americans and their allies from other racial and ethnic groups organized local, state, and national groups such as the NAACP and established alternative institutions in their own communities. Excluded or segregated in most public facilities, blacks opened businesses and other establishments for their own social and physical welfare as well as for amusement, entertainment, and lodging.

The growth of a black upper and middle class (particularly between the two world wars), black service in the wars, massive black migrations to the North, and increasing access to the elective franchise strengthened blacks' resolve and ability to resist their "second-class" status in the United States. Thus, their efforts in the period during and after the Second World War, aided by the international attention to race brought by that war and the Cold War, led to a modern civil rights movement that would dismantle legally sanctioned segregation and discrimination in public accommodations within two decades.

AFRICAN AMERICAN

PART THREE, 1941-1954



Sign at a Greyhound bus station in Rome, Georgia, 1943. *Library of Congress, Prints and Photographs Division [reproduction number LC-USZ62-75338]*.

BIRTH OF THE CIVIL RIGHTS MOVEMENT[107]

World War II and the Double V Campaign

World War II highlighted African American demands for the elimination of racial segregation. More than twenty years earlier during the First World War, African Americans had put aside their grievances and closed ranks behind the United States government, only to experience bitter disappointment in the wave of postwar racism and xenophobia that continued to deny them equality. Having learned from this bitter experience, between 1941 and 1945 blacks insisted on pressing their struggle for first-class citizenship. Encouraged by President Franklin D. Roosevelt's New Deal policies that had brought them a measure of economic and political inclusion in the 1930s, African Americans forged the wartime ideology against Nazi theories of racial superiority into a potent weapon to attack racial inequality in the United States.[108]

Black leaders waged a "Double V Campaign" to combat fascism abroad as well as white supremacy at home. A. Philip Randolph, the black labor leader who headed the Brotherhood of Sleeping Car Porters, pointed the way in June 1941 when he threatened to lead one hundred thousand African Americans in a March on Washington to protest employment discrimination and segregation in the military. Fearing negative publicity as he prepared the country for war, President Roosevelt gave in partially and averted the threatened mass demonstration. He set up the Fair Employment Practice Committee (FEPC) to investigate job bias, but held off from desegregating the armed forces.[109] Nevertheless, for the first time in the twentieth century, the federal government mobilized its power behind civil rights.

The Congress of Racial Equality

Although Randolph did not carry out the march, other civil rights activists engaged in protests that directly challenged Jim Crow policies at the local level. Differing from Randolph's projected March on Washington, which was planned as an all-black event, an interracial group of fifty women and men, about half black and half white, formed the Congress of Racial Equality (CORE) in Chicago in 1942. Many of its charter members had been active in Christian pacifist groups, such as the Fellowship of Reconciliation (FOR), which were also interested in the pursuit of racial justice. The head of FOR, Abraham Johannes (A. J.) Muste, a former Marxist-Leninist labor organizer who had abandoned communism but not revolution, albeit a peaceful variety, had a profound influence on one of the founders of CORE, James Farmer. A black Texan who held a Bachelor of Divinity degree from Howard University, Farmer expressed the Christian sentiments dominating the group and those buttressing its willingness to confront directly the evils of segregation: "The Blessed Community and the Family of Christ are rent asunder by the evil practice of apartheid in America, which will not end until the decent and religious people of the

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[107] Part Three of this study was authored by Steven F. Lawson, professor of history at Rutgers University who wishes to acknowledge the assistance of Danielle McGuire in researching the context for the desegregation of public accommodations for African Americans in the post World War II period.

[108] Steven F. Lawson, Running for Freedom: Civil Rights and Black Politics in America Since 1941 (New York: McGraw-Hill, 1997), 1-28.

[109] Paula F. Pfeffer, *A. Philip Randolph, Pioneer of the Civil Rights Movement* (Baton Rouge: Louisiana State University Press, 1990), chapter 2 is devoted to the March on Washington Movement.

land will it so."[110] Consequently, CORE members believed in winning over their oppressors through goodwill, negotiation, and love. They did not seek to demonize their opponents, but intended to give them ample opportunity to redeem themselves by abandoning segregation.

World War II posed a challenge to CORE's philosophy of moral suasion and Christian love. While the civil rights movement would come mainly to focus on Jim Crow in the South, many of its early efforts targeted segregation in the North and West. Civil rights advocates in the region had solid legal ground upon which to base their protests. In the 1940s, eighteen northern and western states had laws on their books that prohibited discrimination in public accommodations. Fourteen of them banned discrimination specifically on racial grounds. In general, these anti-bias codes applied to restaurants, hotels, public conveyances, educational institutions, parks, libraries, and other public places. The most extensive coverage was found in Illinois, New Jersey, New York, and Pennsylvania.[111]

Despite these civil rights statutes, segregation in public accommodations existed above the Mason-Dixon Line, and racial skirmishes intensified during the war. The wartime migration of blacks and whites from the South in search of jobs in the industrial North exacerbated racial tensions in public transportation, recreational facilities, and housing, which would explode in approximately 242 race riots in forty-eight cities in 1943. In this increasingly hostile environment, CORE first went to work in Chicago. In 1942, an interracial group led by James Farmer tried to purchase tickets to a popular Windy City establishment, the White City Roller Rink. True to its name, the business sold tickets to Farmer's white companions but not to him. After trying to reason with the management, Farmer pressed charges against the facility, but the courts dismissed the case.[112] Combining Christian pacifist commitment to bearing moral witness against moral injustice with the tactics of organized labor in conducting sit-down strikes against intransigent management in the 1930s, CORE went on the offensive to remove the indignities of segregation in public accommodations.

CORE proceeded to protest at several Chicago restaurants, which despite Illinois's civil rights law practiced racial discrimination. CORE targeted two eateries, the Jack Spratt Coffee House and Stoner's Restaurant. Negotiations and a campaign of public education through leafleting brought no results, and in May 1943, CORE launched a sit-in at Jack Spratt. Twenty-one of its members, black and white, refused to leave the premises when the black contingent failed to receive service. After the police refused to comply with the owner's wishes to evict the protesters, the demonstrators successfully placed their orders. The following month, a sit-in at Stoner's produced similar results. Thus, Farmer felt vindicated in the "sit-in as the successful culmination of a long campaign to reach the heart of the restaurant owner with the truth."[113]

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[110] Quoted in James Farmer, *Lay Bare the Heart* (New York: Arbor House, 1985), 102; August Meier and Elliott Rudwick, *CORE: A Study of the Civil Rights Movement, 1942-1968* (New York: Oxford University Press, 1973), 4-8.

[111] Pauli Murray, *States' Laws on Race and Color* (Athens: University of Georgia Press, 1997). The fourteen states outlawing discrimination based on race were: Connecticut, California, Colorado, Indiana, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Washington, and Wisconsin. The other four states that prohibited discrimination on more general grounds were Nebraska, Illinois, Iowa, and Rhode Island.

[112] Farmer, *Lay Bare the Heart*, 97-99.

[113] Meier and Rudwick, *CORE,* 13-14, quote on 14; Farmer, *Lay Bare the Heart,* 106-108.

Howard University Sit-Ins

CORE partisans were not the only ones to devise innovative tactics for protest. In Washington, D.C., students at Howard University conducted their own sit-ins against racial discrimination in restaurants. In January 1943, shortly before the CORE protests in Chicago, three undergraduate women, Ruth Powell, Marianne Musgrave, and Juanita Morrow, were refused service at the counter of a United Cigar store. After the police instructed the waitress to serve the trio, she overcharged them for cups of hot chocolate. They insisted on paying only the regular amount, which then led the police to make a turnabout and arrest them for refusing to pay the specified bill. Sparked by this action, Howard students formed a Civil Rights Committee under the auspices of the college chapter of the NAACP. It zeroed in on restaurants in the area that surrounded campus. Pauli Murray, a student from North Carolina attending Howard Law School, served as advisor to the group, and on April 17, student volunteers marched to the Little Palace Cafeteria on Fourteenth and U Streets, N.W. Teams of three entered the facility and were rebuffed. While they sat at the tables and read their textbooks, others picketed outside hoisting posters with slogans such as "We Die Together—Why Can't We Eat Together?" The owner closed the cafeteria after the police refused to arrest the peaceful demonstrators. After two more days of protest, the restaurant capitulated, and African Americans could eat a meal alongside whites.[114]

The following year, again led by Murray and Powell, Howard students resumed their desegregation drive against a major cafeteria chain owned by the John R. Thompson Company. They chose the restaurant at Eleventh Street and Pennsylvania Avenue, N.W., because it was moderately priced, opened twenty-four hours, and conveniently located for black government workers who were employed nearby. On Saturday, April 22, 1944, groups of black and white students entered the cafeteria and remained seated at tables after they were denied service. Outside, students walked a picket line. The demonstration received a big boost when six black soldiers came into the cafeteria and joined the students seated in protest. Following a four-hour standoff and a sharp drop in business, the manager of Thompson's, after consulting with corporate headquarters in Chicago, instructed his staff to wait on the black customers. However, the students' joy proved short-lived. A few days after this initial victory, Thompson's barred a Howard student from eating. Before the civil rights forces could spring into action, Howard's president, Mordecai Johnson, issued a directive to the NAACP chapter members "to desist from its program of direct action in the City of Washington." Funded by Congress, Howard administrators feared that hostile lawmakers, especially from the South, would retaliate and cut the university's appropriations if the demonstrations persisted.[115]

The students' campaign, however, eventually bore fruit. At the time of the sit-ins, Pauli Murray discovered an old District of Columbia statute from 1872 that prohibited racial discrimination by restaurants, ice-cream parlors, soda fountains, hotels, barbershops, and bathing establishments. In subsequent codifications of local statutes, this anti-discrimination law had been omitted but not repealed. Murray suggested bringing a court case based on this long-forgotten, Reconstruction-Era provision, but she did not find any backing at the time. Nevertheless, nine

[114] Pauli Murray, *The Autobiography of a Black Activist, Feminist, Lawyer, Priest, and Poet* (Knoxville: University of Tennessee Press, 1989), 202-208; Thomas J. Edge, "Federal versus Community Politics: The Howard University Sit-In Movement of 1943-44 and its Implications in the Black Community" (unpublished Honors Thesis, Rutgers University, 1998).

[115] Murray, *Autobiography*, 225.

years later in 1953, the Supreme Court ruled in *District of Columbia v. John R. Thompson Co., Inc.* that the 1872 law was still in effect to protect the rights of African Americans to obtain equal access to public accommodations. The suit had been initiated by Mary Church Terrell, the founder of the National Association of Colored Women, against Thompson's for its ongoing policy of excluding blacks from dining.[116]

World War II Racial Violence

Although World War II provided fertile ground for the development of innovative tactics to tear down barriers to racial equality, it also heightened tensions between blacks and whites over the use of contested public spaces. Conflicts emerged from the demographic shifts produced by the war. Rural black and white southerners migrated to southern and northern cities in search of job openings resulting from booming wartime production and the enlistment of men into the military. This huge influx of migrants placed a severe strain on public facilities and led to frequent breaches in customary racial practices. Black soldiers stationed in the South encountered hostility as they sought out places to eat and relax. In the North, black workers clashed with whites over housing and public entertainment. The situation reached a boiling point in 1943 with the outbreak of over 240 racial disturbances in forty-seven cities throughout the country. The most severe one occurred in Detroit on June 20th. In a city swollen with a million wartime black and white transplants, trouble erupted at the Belle Island recreation park, located near the black neighborhood of Paradise Valley. On a day when one hundred thousand people had attended the amusement facility, sporadic fights broke out between white and black youths. Rumors spread of rapes and killings, which precipitated a full-scale race riot. Blacks attacked whites and whites pulled blacks off trolley cars and beat them. Before it was all over, thirty-four people were killed, seven hundred injured, $200 million in property damaged, and President Roosevelt had to dispatch federal troops to restore calm.[117]

African Americans in the West

African American migrants also encountered racial difficulties in the West, where they had traveled outside of the South in search of wartime jobs in aircraft factories and shipyards. Furthermore, many blacks were stationed there in military camps. The black population of the region swelled during the 1940s by 33 percent or some 443,000 people. Most of the migrants congregated in California, which absorbed about 75 percent of the increased number of minority residents. The San Francisco Bay area alone saw the size of its black population leap 798 percent; Los Angeles followed with 168 percent. Seattle, Washington and Portland, Oregon experienced a huge growth as well. Throughout the West Coast blacks encountered employment discrimination and segregated housing. Ironically, African Americans took up residence in the homes of Japanese Americans, who had been relocated during the war, and remained in them once peace returned. Blacks and Hispanics managed generally to coexist peacefully, but violence in crowded cities did erupt between African Americans and whites. Fights broke out between black and white soldiers in Seattle and San Luis Obispo, California. In 1943, interracial

[116] Ibid., 231; District of Columbia v. John R. Thompson Co., Inc., 346 U.S. 100 (1953).

[117] Lawson, *Running for Freedom*, 10; Richard Polenberg, *War and Society: The United States. 1941-1945* (Philadelphia: J. B. Lippincott, 1972), 127-128.

confrontations occurred in Portland and Los Angeles shipyards, and in the following year black civilians and white sailors brawled in Oakland.[118]

Within these surroundings, African Americans encountered discrimination in public accommodations. Although buses and theatres were not segregated, restaurants and other establishments did exclude blacks, sometimes in subtle ways. A woman who migrated from Pine Bluff, Arkansas to Oakland remembered: "They didn't have 'No Colored' signs or anything like that, but they had ways of telling you they didn't want you." Her memory may have been a bit faulty because in 1946, the Oakland Institute on Human Relations reported that many businesses in the city displayed signs reading "We Refuse Service to Negroes" and documented instances of black patrons unable to obtain service in East Bay hotels, bars, and restaurants. The Alameda branch of the NAACP, which included Oakland and Berkeley, brought litigation against businesses that denied access to black customers. Even those African Americans who managed to have a meal in a restaurant found themselves subject to rude treatment by the staff.[119] Despite these frustrations, the greatest problems black migrants along the West Coast faced concerned jobs, housing, and treatment by the police more than public accommodations.

Transportation

Elsewhere, perhaps the major source of daily frustration for African Americans with respect to public accommodations occurred in transportation. In the South, blacks going to work routinely faced segregation on buses. Subject to rude treatment by bus drivers, forced to pay full fare and enter vehicles by the back door, and required to sit behind an accordion-like line of demarcation that moved back and forth to keep the races separated, black southerners sometimes lashed out against white passengers with rude behavior to upset them. Even the most genteel person could lose patience, refuse to obey the rules, and find herself removed from the bus, as first happened to Rosa Parks in Montgomery, Alabama during the war. In November 1943, she paid her fare but then boarded the bus in the front instead of the rear as customary. The driver, James F. Blake, belligerently ordered her off the bus and told her to reenter through the back door. Although Parks refused, she did decide to leave the bus on her own accord, thus avoiding the possibility of violence against her and arrest.[120] She would encounter difficulties on and off for another decade until on December 1, 1955, when she refused to abide the segregation law and sparked the Montgomery Bus Boycott. Train travel either within or outside the state was no better, as blacks endured separate treatment that was in no way equal, despite paying the same fare as did whites. Given the discomfort African Americans experienced traveling to and from work or visiting their relatives, the desegregation of public transportation became a primary civil rights target.

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[118] Quintard Taylor, In Search of the Racial Frontier: African Americans in the American West 1528-1990 (New York: W. W. Norton, 1998), 251, 262, 271.

[119] Gretchen Lemke-Santangelo, *Abiding Courage: African-American Migrant Women and the East Bay Community* (Chapel Hill: University of North Carolina Press, 1996), 67, 71, 124, 167; W. J. Rorabaugh, *Berkeley At War: The 1960s* (New York: Oxford University Press, 1989), 49.

[120] Robin D. G. Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York: Free Press, 1994), 55-75; Douglas Brinkley, *Rosa Parks* (New York: Viking, 2000), 58-59; Aldon D. Morris, *The Origins of the Civil Rights Movement: Black Communities Organizing for Change* (New York: Free Press, 1984), 51.

The Protest of Lieutenant Jackie Robinson

As mentioned earlier, the war placed great pressure on local buses to accommodate the rising number of black and white passengers. One of the most noteworthy examples of pervasive discrimination involved Jackie Robinson, an All-American athlete from California and a commissioned officer in the army stationed at Ft. Hood, Texas. On January 6, 1944, Lieutenant Robinson boarded a bus leaving camp and refused to heed the driver's warning to "get to the back of the bus where the colored people belong." Like other non-southerners who had not experienced segregation in public transportation back home, Robinson stood his ground. Arrested by the military police, the future Hall of Fame baseball player faced a court martial but was acquitted.[121] The verdict, however, had little impact outside military posts, as local municipal buses continued to enforce Jim Crow seating.

Tuskegee Airmen

As a soldier, Robinson did not act alone in challenging racial discrimination in the armed forces. On the eve of America's entry into the war, civil rights groups such as the NAACP and the National Urban League, along with the Negro press and black college officials, campaigned to break down the barriers that kept the Army Air Corps from accepting black pilots. The War Department believed blacks incapable of flying aircraft. One report claimed that the "colored race does not have the technical nor the flying background for the creation of a bombardment-type unit."[122] Nevertheless, persistent pressure and the negative publicity tarnishing the nation's democratic war aims led the War Department in 1941 to agree to train African American pilots. The black fighter squadron remained segregated from white pilots, prompting criticism from the NAACP and the black press, which favored the cessation of racial criteria in the military. The *Pittsburgh Courier* blasted the Jim Crow policy as "a citadel to the theory that there can be segregation without discrimination."[123] Yet by the end of the war, the exploits of the Tuskegee Airmen had made African Americans swell with pride. Stationed at Tuskegee Army Airfield in Alabama, on the grounds of an abandoned graveyard, black pilots eventually took to the skies over Europe and proved their skills in fighting the Nazis.

However, both overseas and at home, the Tuskegee Airmen battled racial discrimination. They fought against the military command's thinking that they could not make talented fighter pilots in combat, and they challenged segregated facilities on military posts in the United States. At the Tuskegee training center, the airmen conducted a successful sit-in protest to desegregate accommodations on the base. In response, Colonel Noel F. Parish discarded segregated signs, invited popular entertainers to lift the troop's morale, and desegregated the mess hall.[124] At other military posts black pilots were segregated in the mess halls and movie theatres, while German

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[121] Jules Tygiel, *Baseball's Great Experiment: Jackie Robinson and His Legacy* (New York: Oxford University Press, 1984), 59.

[122] The author wishes to acknowledge and thank Todd Moye for suggesting information relating to the Tuskegee Airmen. For this quote see Lynn Homan and Thomas Reilly, *Black Knights: The Story of Tuskegee Airmen* (Gretna, La.: Pelican Publishing, 2001), 179.

[123] Alan J. Gropman, *The Air Force Integrates, 1945-1968* (Washington, D.C.: Smithsonian Institution Press, 1998), 7. See also Lawrence Scott and William M. Womack, Sr., *Double V: The Civil Rights Struggle of the Tuskegee Airmen* (East Lansing: Michigan State University Press, 1992).

[124] Homan and Reilly, *Black Knights*, 72, 77.

prisoners of war who were quartered at the camps took seats in the "whites only" areas of these accommodations, and outraged black soldiers protested. Indeed, enemy prisoners of war could attend shows, movies, and dances, sponsored by the United Service Organizations (USO) and local Chambers of Commerce, which were barred to black soldiers. The situation was much the same once the soldiers left the military posts. In one highly charged incident, black airmen taking leave from Walterboro Army Air Field in South Carolina stopped to eat in a racially restricted café in nearby Fairfax, and were denied service. Brimming with anger, they told the white owner to "go to Hell," brandished their service revolvers, and left the restaurant shouting the mock salute, "Heil Hitler."[125] Slightly more successful, in November 1944, Walterboro airmen, spending a leave in Washington, D.C., integrated the District of Columbia's airport cafeteria after having been first turned away.[126] They may have received service out of deference to their military uniforms, because the airport accommodations resumed segregation at war's end.

Protests also surfaced at Selfridge Field just outside of Detroit. On January 1, 1944, black officers teamed in groups of three in intervals throughout the day, attempted to integrate the racially restricted officers' club. Although one group gained admission, the soldiers were soon ordered to leave by the base commander. The protest resumed the next day, but the club remained barred to blacks. One of the leaders of the challenge was Lieutenant Milton Henry from Philadelphia, who had previous confrontations with segregation. In the spring of 1942, Henry had a run-in with a Montgomery, Alabama bus driver when he refused an order to sit in the rear of the vehicle. Henry demanded his nickel fare back and punched the driver in the mouth. The driver pulled out a gun, and the two began a struggle that spilled out onto the street. Henry managed to escape, but was sent to the military stockade for a brief period. A year later, he was stationed at Selfridge and helped plan the organized protests. The persistent Henry lodged a complaint with the War Department which resulted in an investigation of racial discrimination at the air field under the direction of General Benjamin O. Davis, the military's highest ranking African American officer. The report confirmed the protesters' charges, and the War Department ordered a reprimand for Selfridge's commander. However, Henry faced reprisals. In 1944, air force officials prosecuted him for insubordination on an unrelated incident. He was found guilty and discharged from military service on August 10.[127]

An even more serious incident occurred in April 1945, when Colonel Robert Selway ordered that the officers' club at Freeman Field in Seymour, Indiana remain segregated. The policy sparked a challenge from members of the 477th Bombardment Group who were stationed there. Previously, black soldiers had staged a protest when Selway insisted on separating the races in the base's movie theatre. Black airmen and their white sympathizers initiated "Operation Checkboard," and when the lights went down, the soldiers switched seats so that they were sitting next to each other under cover of darkness. On April 5, 1945, several groups of black officers defied Selway's Jim Crow regulations and proceeded to enter the "whites-only" Club Number Two. In turn, the colonel had them arrested and proceeded to court-martial over one hundred African American officers. The beleaguered airmen wired the War Department that the

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[125] Gropman, The Air Force Integrates, 46.

[126] Homan and Reilly, *Black Knights*, 229-232. See also, Charles Dryden, *A-Train: Memoirs of a Tuskegee Airman* (Tuscaloosa: University of Alabama Press, 1997), chapter nine.

[127] Scott and Womack, *Double V*, 195-196, 200, 203-209.

continuation of segregation "can hardly be reconciled with the world wide struggle for freedom for which we are asked and are willing to lay down our lives."[128]

By this point in the war, the army high brass, under pressure from the NAACP and the black press, had grown less tolerant of overt racial discrimination, especially within its officers' corps, and set nearly all the accused airmen free. Nevertheless, General Frank O. Hunter, the commander of the First Air Force and a Georgia native who supported Jim Crow, convinced the War Department to approve the court-martials of three of the protesters, Lieutenant Robert Terry, Lieutenant Shirley Clinton, and Lieutenant Marsden Thompson. The military panels acquitted Clinton and Marsden, but found Terry guilty; however, he received a light fine. At the same time, the army punished Colonel Selway and relieved him from command of Freeman Field.[129] In a few years, President Harry S Truman would issue an executive order leading to the desegregation of the armed forces, and by the end of the next war in Korea in 1953, blacks and whites had fought, ate, played, and died side by side. Problems of equal treatment in the military remained and racial discrimination around military bases in the South persisted, but together with Major League Baseball, the armed forces led the way in toppling Jim Crow in the immediate postwar period.

The Irene Morgan Case

In the meantime, given the importance of the transportation problem for black civilians as well as military personnel, the NAACP prepared a concerted attack against segregation. Its attorneys sought to prove that state segregation laws requiring separate facilities imposed an unconstitutional hardship on interstate commerce. A golden opportunity arose on July 16, 1944, when Irene Morgan of Baltimore, Maryland was returning home from Virginia aboard a Greyhound Bus. At Saluda, Virginia, the bus driver ordered Morgan to give up her seat in the next to last row of the vehicle to a white couple. Morgan refused because the back row of the bus was filled, and she would have to stand. The driver called the police and had her arrested. Tried in Middlesex County Court, she was found guilty of violating Virginia's segregation ordinances and fined $10 and court costs.[130]

Under the direction of Spottswood Robinson, III, a Virginia lawyer for the NAACP, and its chief counsel Thurgood Marshall, Morgan petitioned the U.S. Supreme Court to set aside her conviction after the Virginia Supreme Court refused to do so. Over the previous decade, the high tribunal had ruled in favor of black plaintiffs in several important cases expanding racial equality. The most recent had been in April 1944, when the justices outlawed the Democratic white primary used in the South to prevent African Americans from voting in the most important election in the region. Following this trend, on June 3, 1946, the court declared in *Morgan v. Virginia* that Virginia's segregation law interfered with Morgan's freedom to travel across state lines.[131]

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[128] Honan and Reilly, *Black Knights*, 192 (for the quote), 186 on "Operation Checkerboard." One of the airmen arrested as a result of the protests and then exonerated was Coleman Young, who in 1973 was elected the first African American mayor of Detroit. Scott and Womack, *Double V*, 232.

[129] Scott and Womack, *Double V*, 231-248.

[130] Barnes, Journey from Jim Crow, 45.

[131] *Morgan v. Virginia*, 328 U.S. 373 (1946); Barnes, *Journey from Jim Crow*, 46. The white primary case was *Smith v. Allwright*, 421 U.S. 649 (1944); see Darlene Clark Hine, *Black Victory: The Rise and Fall of the White*

The Supreme Court soon showed that it was really more sensitive to the rights of minorities than to concerns over regulating interstate commerce. On June 21, 1945, a young black woman from Michigan, Sarah E. Ray, accompanied several white girl friends to take a fifteen-mile boat ride from Detroit to Bob-Lo Island in Ontario, Canada. Bob-Lo Excursion Company, which ran the ferry service, excluded blacks and thereby prevented Ray from boarding. She sued the company, and a municipal court in Detroit ruled in her favor, finding that the ferry service had violated Michigan's civil rights law against racial discrimination in public accommodations. The company appealed to the U.S. Supreme Court, contending that the state law imposed an unconstitutional burden on interstate commerce by requiring integration and thus no less unlawful as what Virginia had done by enforcing segregation. Instead, on February 2, 1948, the high bench strained to find a way to distinguish its *Morgan* opinion. Holding that Michigan's civil rights statute had not hampered interstate or in this case foreign commerce, the justices argued that the short boat ride was in effect a local trip on the fringes of Detroit.[132]

The First Freedom Rides

Despite the Supreme Court rulings, southern transportation remained segregated. Instead of basing their Jim Crow requirements on state laws, bus companies adopted their own private regulations to ensure segregated seating. This became perfectly clear as CORE sought to test whether, in light of the *Morgan* decision, blacks could ride unfettered on buses traveling into the South. In 1947, along with FOR, CORE sponsored teams of integrated riders to see if they could travel unmolested through Virginia, North Carolina, Tennessee, and Kentucky. George Houser, the executive secretary of CORE had come up with the idea along with Bayard Rustin, a black conscientious objector from West Chester, Pennsylvania, who had served a prison term for refusing to cooperate with the draft during World War II. Highlighting the cooperation between the two groups, Houser and Rustin served as co-secretaries of the Racial-Industrial Department of FOR and hatched the plan for the bus trip.[133] They believed that they had the greatest chance of success in these rim states of the Upper South. Embarking from Washington, D.C. on April 9, on what they called the Journey of Reconciliation, eight blacks and eight whites divided into two groups and rode Greyhound and Trailways buses into Dixie. They first encountered trouble as the buses headed from Virginia into North Carolina. A driver asked Bayard Rustin, one of the black passengers, to vacate his seat in the front of the bus and move to the rear. Rustin, an advocate of Gandhian nonviolence and a conscientious objector who had served in prison during World War II, politely refused to comply.

The driver backed off, and the journey continued uneventfully until the buses rolled into Chapel Hill, North Carolina, a usually quiet and progressive college town. Here four of the passengers, including Rustin and James Peck, a white man, were arrested for failing to move into designated segregated sections on the bus. As they departed from the bus into the station, violence flared as a group of taxi drivers attacked Peck. The arrested travelers posted bail and took refuge at the home of the Reverend Charles Jones, a white Presbyterian minister with ties to FOR. After receiving threatening phone calls at his house, the group resumed its trip into Tennessee,

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Primary in Texas (New York: KTO Press, 1979); Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969*, 2nd ed. (Lanham, Md.: Lexington Books, 1999), 23-54.

[132] Bob-Lo Excursion Company v. Michigan, 333 U.S. 28 (1948); Barnes, Journey from Jim Crow, 48.

[133] Daniel Levine, *Bayard Rustin and the Civil Rights Movement* (New Brunswick, N.J.: Rutgers University Press, 2000), 51.

Kentucky, and back through North Carolina and Virginia. Drivers insisted on segregated seating, but the biracial passengers refused to cooperate. Although no further violence broke out, a total of twelve riders were taken into custody for not complying with segregation orders. On April 23, the journey ended as both a testimony to the interracial travelers' courage and the unwillingness of southern transportation authorities to obey the *Morgan* ruling. Indeed, little had changed and the following year, Rustin and one of his white companions were convicted of violating North Carolina's segregation law and served twenty-two days on a prison chain gang.[134]

The Elmer Henderson Case

Clearly the rules affecting interstate and intrastate travel ran along distinct tracks, but on occasion they crossed. The Pennsylvania Railroad operated trains from New York City to Washington, D.C. on a segregated basis in anticipation of Jim Crow restrictions as trains moved southward. However, in 1949, CORE protested this arrangement with the New York State Commission Against Discrimination, which declared that the railroad's action ran afoul of the state's civil rights acts. Consequently, the railroad ceased separating passengers on its route to the nation's capital, but once in D.C. the southern lines that took over resumed segregation.[135]

In spite of the reality of persistent discrimination, African Americans continued to win court cases. The next major victory stemmed from events dating back to World War II. On May 17, 1942, Elmer Henderson, a field representative for the FEPC, boarded a Southern Railroad train from Washington, D.C. en route to Birmingham, Alabama to participate in a committee hearing. Henderson walked into the dining car to eat and was prepared to take his seat behind a curtain used to separate black and white patrons. However, because the car was overcrowded, whites had already occupied the two tables behind the Jim Crow curtain, and Henderson was denied a place to eat. After the trip, he filed a complaint with the ICC. The Southern Railroad changed its procedure to ensure that a similar situation would not reoccur; it guaranteed that a table would be exclusively reserved for blacks in the dining car. Satisfied, the ICC upheld this rule. Nevertheless, Henderson pursued his complaint in the judiciary and received support from the Truman Administration. Since the end of the war, President Truman had spoken out in favor of extending civil rights to African Americans, including the desegregation of interstate transportation. In the Henderson case, the Justice Department filed a brief challenging the court's historic *Plessy v. Ferguson* 1896 ruling upholding segregated railroads. On June 5, 1950, a unanimous bench in *Henderson v. United States* did not go as far as the Justice Department wanted, but found in Henderson's favor. The court held that the railroad's revised practice still did not grant blacks equal access to dining facilities, because if some blacks filled the allotted table and others desired to eat, they remained barred from sitting at tables reserved for whites.[136]

The same day that the Supreme Court upheld Henderson's claim, it also supported the arguments of black plaintiffs in cases involving admission to law school and equal treatment in graduate education. In *Sweatt v. Painter* the high tribunal ruled that the separate law school Texas offered blacks did not provide a comparable education to that which whites received at the University of Texas Law School. In *McLaurin v. Oklahoma State Regents*, the Court overturned the policy of

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[134] Ibid., 53-55, 60, 63; Barnes, *Journey from Jim Crow,* 59-60.

[135] Barnes, Journey from Jim Crow, 60.

[136] *Henderson v. United States,* 339 U.S. 816 (1950). Barnes, ibid., 66ff.

segregating black and white students in classrooms, libraries, and other facilities at the University of Oklahoma Graduate School. Although the justices held that Texas and Oklahoma had violated the Fourteenth Amendment in enforcing these practices, they stopped short of decreeing that segregation inherently violated the Constitution.[137] Nevertheless, this trio of decisions, along with the action taken by the Truman Administration in supporting them, clearly sent warning signals to the South that Jim Crow was coming increasingly under federal attack.

Progress in public accommodations remained halting as long as desegregation emerged on a case-by-case basis. By the end of 1950, blacks generally could claim access to first-class railroad cars. However, most African Americans traveled in second-class coaches, which court decisions had not addressed. As far as bus travel, despite the ruling in *Morgan,* and as the experience of the Journey of Reconciliation had shown, southern bus lines continued to practice segregation in interstate and intrastate travel. What desegregation existed was confined mainly to the Upper South and Border States.

[137] Sweatt v. Painter, 339 U.S. 629 (1950); McLaurin v. Oklahoma State Regents for Higher Education, 339 U.S. 637 (1950); Kluger, Simple Justice, 280-284.

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"Freedom Riders" seated next to burned bus outside Anniston, Alabama, 1961. *Library of Congress, Prints and Photographs Division [reproduction number: LC-USZ62-115224].*

THE MODERN CIVIL RIGHTS MOVEMENT[138]

The Interstate Commerce Commission Rules

Clearly African Americans needed a ruling that both challenged segregation and applied it uniformly. To this end, on December 14, 1953, the NAACP petitioned the ICC to void all segregation rules promulgated by transportation companies and applied to the facilities they maintained. Shortly after, on May 17, 1954, the Supreme Court issued its landmark opinion in *Brown v. Board of Education*, which outlawed public school segregation. In conformity with this ruling, on November 7, 1955, the ICC announced that the separate but equal doctrine was dead with respect to interstate transportation. The *Pittsburgh Courier* rejoiced over the end of a policy that "flaunted the humiliation of a third of the South's population, with every train, bus, railroad station, ticket office and lunch room a symbol of their subjugation."[139] Despite this elation, the battle did not end. Most railroads continued to maintain a dual policy toward interstate (illegal) and intrastate (permissible) segregation. In addition, the ICC order did not specifically affect independently operated restaurants at the terminals.

The Baton Rouge Bus Boycott

Even before the *Brown* and ICC decrees, southern blacks had organized to challenge Jim Crow transportation in their own communities. Bus segregation in Baton Rouge, Louisiana followed the pattern of the rest of the South. Blacks sat in the back in the "colored section" and whites sat in the front. If more whites boarded the bus and filled the available seats, the bus driver pushed the line of demarcation further back to accommodate whites, thereby unseating black passengers. The reverse was not true. If all the seats were occupied in the "colored section" and seats in the white area remained empty, black riders had to stand. As in many southern cities, African Americans constituted a majority of those who rode buses and the inconvenience, together with the rude treatment from bus drivers, were a constant source of irritation.

In March 1953, Baton Rouge blacks convinced the city council to enact a law that allowed African American riders to take their seats on a "first-come, first-serve" basis starting from the rear. Whites would still sit in the front, but they could not force black passengers already seated to stand if there were no empty seats. Although segregation remained intact, the bus drivers refused to accept the new policy and went on strike. Moreover, the Louisiana attorney general ruled that the local ordinance violated the state's segregation law and nullified it.[140]

In protest, Baton Rouge blacks, led by the Reverend Theodore Judson (T. J.) Jemison, initiated a boycott against the bus system. Jemison had come to the city in 1949 after receiving a B.A. from Alabama State College, an M.A. from Virginia Union, and taking additional graduate work at New York University. As pastor of the Mt. Zion Baptist Church, one of the largest in Baton Rouge, he used his pulpit to rally the mass of blacks behind the boycott and conducted nightly mass meetings that attracted overflow crowds. The creation of the United Defense League (UDL), a coalition of religious and secular community groups, reflected this solidarity. The

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[138] Part Four of this study was authored by Steven F. Lawson, professor of history at Rutgers University.

[139] Barnes, Journey from Jim Crow, 101.

[140] Morris, The Origins of the Civil Rights Movement, 17-18.

UDL successfully operated a car pool for black passengers. After a week, the boycott proved nearly 100 percent effective and had cost the bus company considerable revenue losses; hence, the city offered a compromise plan, which the UDL accepted. According to the agreement, the two front seats on buses would be reserved for whites, the long rear seat would be reserved for blacks, and the rest of the seats would be filled on a first-come, first-serve basis with whites moving from front to rear and blacks in the reverse direction. On June 25, a mass meeting of eight thousand blacks voted for this plan, and the boycott ended. The victory did not produce a complete end to segregation, but it did reduce many of the annoyances that black riders had experienced.[141]

The Montgomery Bus Boycott

Two-and-one-half years later, events in Montgomery, Alabama helped transform the burgeoning civil rights movement and extended judicial rulings to outlaw segregation on local buses. For several years in the early 1950s, the Women's Political Council (WPC), composed of female black professionals interested in civic improvements, had been concerned with the treatment African Americans received on public buses, the majority of whose passengers were black women. The problems in Montgomery were similar to those in Baton Rouge—discourteous white drivers and a system that upended blacks and moved them to the rear, whether seats were available or not, as more whites boarded the bus. The group's determination increased after *Brown* dealt a blow to the principle of segregation in education. Failing to convince municipal authorities to take action, the WPC looked for an incident to rally the community around.

After several false starts, it found the right moment on December 1, 1955, when Rosa Parks refused to vacate her seat to a white man on a crowded bus. Mrs. Parks, a forty-two-year-old seamstress, had encountered trouble on buses before, coincidentally with the same bus driver, James Blake, but on this day she balked. The bus driver had her arrested, and she was bailed out by Edgar Daniel (E. D.) Nixon, an official of A. Philip Randolph's Brotherhood of Sleeping Car Porters and a man with whom she had worked closely in the local NAACP. Over the years Nixon had been a steady voice for challenging Jim Crow and extending the franchise. He had the respect of working people within Montgomery, and he led the charge to help construct a new organization to mobilize blacks immediately after Parks's arrest. Nixon elicited the help of Clifford Durr, a white Montgomery lawyer, who with his wife Virginia, supported interracial democracy. This incident set in motion a yearlong boycott.

As suggested above, the inspiration for the protest came from secular leaders, but the boycott would have had little chance of success without the leadership of the clergy. Jo Ann Gibson Robinson, an English professor at Alabama State College and an official of the WPC, quickly sprang into action after Parks was arrested. She commandeered her college's mimeograph machine to print flyers announcing a one-day boycott of the buses and dispatched students and WPC members to distribute leaflets throughout the community. At the same time, supporters of the boycott had to line up influential clergy who had the power to mobilize the mass of blacks through their churches. As a result, the fledgling movement recruited a twenty-six-year-old relative newcomer to Montgomery, the Reverend Martin Luther King, Jr., to lead the

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[141] Ibid., 19-24; Adam Fairclough, *Race & Democracy, The Civil Rights Struggle in Louisiana 1915-1972* (Athens: University of Georgia Press, 1995), 158-162. It was not until 1962 that the federal courts finally brought a cessation to bus segregation in the city.

Montgomery Improvement Association (MIA). King presided over the Dexter Avenue Baptist Church, down the street from the State Capitol, and he tapped as his closest ally the Reverend Ralph David Abernathy, who had graduated from Alabama State and headed the First Baptist Church. The meeting to create the MIA originated at the Mt. Zion AME Church, illustrating the importance of churches in providing public space for sustaining a mass movement. The one-day boycott on Monday, December 4 proved a great success as blacks uniformly stayed off the buses, and that evening at a mass meeting at the Holt Street Baptist Church, the MIA decided to continue the boycott. Throughout the coming year, church meetings, with their inspirational sermons and singing of Negro spirituals, would sustain the faith of the demonstrators in the face of severe resistance from the white community.

The leaders of the MIA, perhaps buoyed by the overwhelming support for the Monday boycott and also underestimating the resolve of Montgomery officials to preserve segregation, did not expect a lengthy struggle at first. Moreover, their demands were very reasonable. They initially accepted the framework of segregation, agreeing to reserve ten seats at the front of the bus for whites and having the remainder allocated on a first-come, first-serve arrangement. However, if more than ten whites boarded the bus, blacks would have to vacate the adjacent seats and move further back. The MIA wanted black bus drivers hired for predominantly black routes, demanded that white drivers respond courteously to black passengers, and called for blacks to pay the fare at the front of the bus and board there instead of the rear door as they customarily did. These demands seemed so mild to the NAACP that it would not endorse them until they challenged segregation directly and completely. Indeed, this would soon happen as the city commission refused to accede to even these requests and black leaders, such as Dr. King, came under assault. After King's house was bombed on January 30, black leaders resolved to hold out for full and unqualified integration of the buses.[142]

The boycott continued throughout 1956. Mass meetings bolstered the morale of men and women who had to find alternative ways of getting to work and tending to their daily activities. Toward this end, after consulting with the Reverend Jemison from Baton Rouge, the MIA organized car pools. In addition, some white housewives surreptitiously drove their own automobiles to pick up their maids upon whom they depended for keeping their homes running smoothly. The car pool prompted the city to fight back on February 21 by arresting and indicting Dr. King and some ninety leaders of the boycott on charges of conducting an illegal boycott. At the same time, the NAACP filed a federal lawsuit, *Browder v. Gayle*, on behalf of five black women challenging bus segregation, and on June 5, 1956, a three-judge panel in Alabama sustained the plaintiffs' arguments. Still, Montgomery officials would not capitulate even though the bus company, experiencing financial ruin, wanted to concede. The legal battle reached a climax when Montgomery and Alabama state officials appealed the decision to the U.S. Supreme Court in *Gayle v. Browder*. On November 13, the Supreme Court affirmed the lower court's ruling and stipulated that the Fourteenth Amendment prohibited racial segregation on intrastate as well as

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[142] Jo Ann Gibson Robinson, *The Montgomery Bus Boycott and the Women who Started It*, ed. David J. Garrow (Knoxville: University of Tennessee Press, 1987); Taylor Branch, *Parting the Waters: America in the King Years 1954-63* (New York: Simon & Schuster, 1988), 143-205; David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York: Morrow, 1986), 11-82; Adam Fairclough, "*To Redeem the Soul of America": The Southern Christian Leadership Conference and Martin Luther King, Jr*. (Athens: University of Georgia, 1987), 11-35.

interstate transportation. Finally, on December 21, the Reverend King alongside several black and white companions boarded a bus to take an historic, non-segregated ride.[143]

The court's ruling in *Gayle v. Browder* provided a clear precedent against segregated interstate transportation, but as with school integration cases, southern blacks had to file numerous lawsuits to force their communities and states to implement the historic decision. By 1960, forty-seven cities in the South had removed segregation from their bus lines. Most of these (thirty-eight) came in the states of the southern periphery including Virginia, North Carolina, Tennessee, Arkansas, Oklahoma, Texas, and Florida. In these states desegregation had resulted from court cases and not successful boycotts. In Mississippi the buses remained segregated, and the only Deep South cities that permitted desegregation on public conveyances were New Orleans, Montgomery, and Atlanta.[144]

The Tallahassee Bus Boycott

The Montgomery boycott did not trigger an immediate widespread outbreak of similar movements. In 1957, Dr. King and other civil rights-oriented ministers had created the Southern Christian Leadership Conference (SCLC) for the purpose of spreading across the South nonviolent, direct-action drives along the lines of Montgomery. The founding of the SCLC took place in Atlanta, Georgia at the Ebenezer Baptist Church, where King's father was pastor and where Martin would join him in 1960. The results of the group's initial efforts were limited. In Rock Hill, South Carolina, a boycott lasted for six months but managed only to put the bus company out of business. A bus boycott in Tallahassee, Florida's capital and a short drive from the Georgia state line, lasted longer, but ended in deadlock after nearly two years. In May 1956, two coeds, Wilhemina Jakes and Carrie Patterson, attending historically black Florida A&M University declined to relinquish their seats to whites on a Cities Transit bus and were arrested. The next day, students at A&M held a meeting and decided to boycott the buses for the remainder of the school term, which ended in two weeks. Following up on the students' actions, clergymen led by the Reverend Charles Kenzie (C. K.) Steele, pastor of the Bethel Missionary Baptist Church and one of the charter members of the SCLC, convened a mass meeting at his church and created the Inter Civic Council (ICC), modeled on the MIA, to pursue the boycott.[145]

With the protest effectively plunging the bus company into the financial red, the city fought back. It arrested the leaders of the car pool, tried and convicted them, thereby seriously hampering the boycott. After the federal courts overthrew Jim Crow on Montgomery's buses, the ICC tested its application in Tallahassee and was rebuffed. Furthermore, by New Year's Day, 1957, ICC leaders had received a stream of telephone threats and violent assaults against their homes and businesses. Fearing the upsurge of racial tensions, Governor LeRoy Collins ordered the suspension of bus service and tried working out a compromise. The ensuing

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[143] *Browder v. Gayle*, 142 F. Supp. 707 (1956); *Gayle v. Browder,* 352 U.S. 903 (1956). Nevertheless, the matter did not end there. In late December 1955 and early January 1956 white vigilantes fired shots into King's home and at the buses and planted bombs that exploded at Reverend Abernathy's home and church. Barnes, *Journey from Jim Crow,* 122; Thomas J. Gilliam, "The Montgomery Bus Boycott of 1955-1956," in *The Walking City: The Montgomery Bus Boycott of 1955-1956*, ed. David J. Garrow (Brooklyn: Carlson Publishing, 1989), 197-282.

[144] Barnes, Journey from Jim Crow, 128.

[145] Glenda Alice Rabby, *The Pain and the Promise: the Struggle for Civil Rights in Tallahassee, Florida* (Athens: University of Georgia Press, 1999), 10, 12, 15.

agreement did not change much as the city council authorized bus drivers to assign seats based on the passengers' "health, safety, and welfare." This policy resembled Pupil Placement Laws that the South had adopted to forestall desegregation in public education. Nevertheless, the city finally allowed desegregation to occur on predominantly black bus routes.[146]

Desegregation in Washington, D.C.

In the meantime, blacks shattered segregation in public accommodations in several areas further north, especially in Washington, D.C., which reflected the racial mores and practices of a typical southern city. In the 1950s, the District of Columbia witnessed a good deal of progress in desegregating public accommodations. The forces set in motion by the Howard University students in the 1940s yielded benefits a decade later. After the Supreme Court affirmed the legality of the 1872 Reconstruction law that prohibited racial exclusion from public restaurants, as Pauli Murray had first suggested a decade earlier, in 1953, President Dwight D. Eisenhower worked behind-the-scenes to persuade District movie theatres, hotels, motels, and restaurants to cater to black patrons on an equal basis with whites. The President, who believed that racial problems could be solved through education rather than governmental coercion, preferred to operate quietly and without fanfare to wipe away what he considered obvious discrimination aimed at black citizens. Nowhere did he feel more comfortable in doing this than in institutions under federal control, such as in the military, and in the District of Columbia, what he referred to as the "nation's showplace." Tolerating racial bias in the country's seat of government at a time when Eisenhower was fighting a Cold War against the Soviet Union and its tyranny "behind the Iron Curtain" only harmed the nation's image and ability to wage its anti-Communist propaganda war. The chief executive expressed reservations about trying to use federal power to desegregate educational facilities under the traditional authority of the states, but he felt far less restrained in areas under national jurisdiction. Consequently, in 1953, the District of Columbia Commissioners ended segregation in facilities under its control and after a request by President Eisenhower, the Board of Recreation followed suit and desegregated holdings within its purview. Notwithstanding these achievements, by the end of the decade the District's bowling alleys and amusement parks remained segregated.[147]

Massive Resistance

Elsewhere, Jim Crow continued to reign. The 1955 ICC proclamation against segregated transit made little difference in the heart of Dixie. The commission failed to enforce its decree vigorously and instead relied on a slow, cumbersome case-by-case approach. After the *Brown* decision the South embarked on a program of massive resistance to desegregation that lifted the barriers to racial equality even higher than before. White Citizens' Councils formed to apply pressure on African Americans to back off from their pursuit of first-class citizenship and equal

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[146] Tom Wagy, Governor LeRoy Collins of Florida: Spokesman of the New South (University: University of Alabama Press, 1985) 74-78; Morris, The Origins of the Civil Rights Movement, 65-67; Rabby, The Pain and the Promise, 52-58.

[147] Robert F. Burk, *The Eisenhower Administration and Black Civil Rights* (Knoxville: University of Tennessee Press, 1984), 45-54. Furthermore, in 1957, Eisenhower supported and signed into law the Civil Rights Act which expanded federal power to prosecute voting rights violations, elevated the Civil Rights Section in the Justice Department to divisional status, and created the United States Commission on Civil Rights.

access to public accommodations and education. Resurrected Ku Klux Klan Klaverns unleashed a wave of terrorism to reinforce black subordination.[148]

The Boynton Case

In this heated climate on December 20, 1958, Bruce Boynton, a third-year law student at Howard University boarded a Trailways bus in Washington, D.C. to return to his home in Selma, Alabama for the Christmas holidays. At a stopover in Richmond, Virginia, Boynton entered a segregated restaurant, which operated independently of the bus company. He took a seat at the lunch counter reserved for whites when the black section appeared too crowded. Refusing to leave the racially restricted area, he was arrested for trespass and found guilty. The NAACP handled his case, *Boynton v. Virginia*, as it made its way up to the U.S. Supreme Court. On December 5, 1960, the high tribunal agreed with the NAACP's argument that regardless of whether or not bus terminal restaurants were privately owned, they were an integral part of the flow of interstate commerce and under federal law could not impose segregation which hampered travel.[149]

Mixed Results

In the 1950s most African Americans were more likely to take bus and railroad transportation than they were airplanes. This pattern resulted more from class than racial considerations, given the higher costs of airplane travel. Those who did fly were not subjected to segregation aboard the airplane. Nevertheless, air passengers had to face segregation on the ground. The situation varied from place to place. The airport in Montgomery, Alabama required Jim Crow waiting rooms, but the one in Birmingham did not. The Jackson, Mississippi facility had a non-segregated waiting room, but restrooms and water fountains were restricted by race. Washington, D.C.'s National Airport had abolished segregated restaurants as early as 1948 under pressure from President Truman. He had responded to the complaints of several members, black and white, of his Presidential Committee on Civil Rights, who had experienced first-hand the indignities of segregated facilities in traveling in and out of Washington on government business. Indeed the situation became even more intolerable in the postwar world as non-whites from African and Asian nations encountered the same Jim Crow treatment that African Americans received. Indeed, the presidential committee's report, *To Secure These Rights*, included in its far-reaching recommendations the passage of federal legislation to eradicate racial segregation in all public accommodations in the District.[150] By contrast, eating facilities at Atlanta, Georgia and Greenville, South Carolina airports embraced Jim Crow throughout the 1950s. Not until 1960 did federal courts rule that restaurants and coffee shops that leased space from municipally

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[148] Numan V. Bartley, *The Rise of Massive Resistance* (Baton Rouge: Louisiana State University Press, 1970), passim.

[149] *Boynton v. Virginia*, 364 U.S. 454 (1960); Barnes, *Journey from Jim Crow*, 144, 147.

[150] Donald R. McCoy and Ronald T. Ruetten, *Quest and Response: Minority Rights and the Truman Administration* (Lawrence: University of Kansas Press, 1973), 91, 151-154; President's Committee on Civil Rights, *To Secure These Rights* (Washington, D.C.: Government Printing Office, 1947), 171-172. The landmark report also urged congressional legislation banning racial discrimination in interstate transportation and passage by the states "of laws guaranteeing equal access to places of public accommodations, broadly defined, for persons of all races, colors, creeds, and national origins." See 170.

run airports were barred from requiring segregation. The Dobbs House restaurant at the Atlanta airport quickly complied.[151]

Efforts to integrate public transportation since 1941 had resulted in important victories. The leading scholar of this struggle, Catherine A. Barnes, concluded that at the end of the 1950s "virtually all forms of Jim Crow transit had been outlawed, and considerable desegregation had gradually taken place."[152] Nevertheless, she pointed out that as one moved further south the chances of encountering Jim Crow in bus depots and train station waiting rooms and lunch counters skyrocketed despite favorable Supreme Court decisions and relentless black efforts.

During the 1950s, a number of northern and western states adopted legislation prohibiting discrimination in public accommodations. Joining the eighteen states with such laws already on the books were Oregon (1953), Montana (1955), New Mexico (1955), Vermont (1957), Maine (1957), Idaho (1959), and Alaska (1959). In 1961, New Hampshire, North Dakota, and Wyoming brought the total number of states with anti-segregations statutes up to twenty-eight. In addition, several cities in states that did not have public accommodations laws passed their own versions, including Wilmington, Delaware; Baltimore, Maryland; St. Louis and Kansas City, Missouri; and El Paso, Texas.[153]

Major League Baseball

In the decade after World War II, some of the most visible blows to racial segregation came on baseball diamonds. From 1947, when Jackie Robinson integrated the national pastime by playing for the Brooklyn Dodgers, until 1959, when Elijah "Pumpsie" Green joined the Boston Red Sox, the Major Leagues gradually abandoned Jim Crow. However, the players experienced integration to a greater extent on the field than off. During the 1950s, the worst problems existed in St. Louis, Baltimore, and Cincinnati, the franchises in the towns located furthest south. In Cincinnati, the Netherlands-Plaza hotel allowed blacks to stay, but required them to eat their meals in their rooms. Jackie Robinson, who had first broken the color barrier on the field, also pioneered in removing this irksome restriction. One evening he walked into the hotel's dining room accompanied by his wife and not only received service but also signed an autograph for the waiter. At the Chase Hotel in St. Louis, black players could rent rooms, but they could not use dining rooms, swimming pools, or nightclubs. No matter in which city they stayed, baseball had an unwritten custom that forbade black and white teammates from rooming together. In northernmost cities, African American ball players usually faced fewer difficulties when spending time away from the ballpark.[154]

Black ball players encountered more difficulties during spring training in the South and playing for southern Minor League teams before they moved up to the majors. Florida hosted the majority of spring training facilities and did not want to sacrifice this lucrative business. Consequently, the "Sunshine State" continued to welcome the teams on an integrated basis while

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[151] Barnes, *Journey from Jim Crow*, 137, 138, 140.

[152] Ibid., 155.

[153] United States Commission on Civil Rights, *Freedom to the Free: A Century of Emancipation, 1863-1963* (Washington, D.C.: Government Printing Office, 1963), 182, 183, n. 228.

[154] Tygiel, *Jackie Robinson*, 311-313.

the players remained on the field. Once outside the ballparks, however, players had to obey Jim Crow laws and customs with respect to public accommodations. This meant that African American players could not room at the same hotels with their white counterparts and had to find lodging in black boardinghouses whose facilities did not match the more commodious whites-only hotels. Within the ball fields, dugouts were integrated but the stands were not, as blacks were sectioned off from whites. To avoid these nuisances, some teams relocated westward to Arizona for spring training. The Dodgers remained and built their own complex of playing fields and housing accommodations in Vero Beach, called Dodgertown. In 1961, the Major League Baseball Players Association urged the teams to take stronger action to integrate their training camps. Subsequently, the Yankees moved from St. Petersburg to Fort Lauderdale, which promised to provide desegregated facilities for their players. Stung by this defection and the financial losses it would bring, St. Petersburg dropped its racial prohibitions at Al Lang Field and its environs to accommodate the St. Louis Cardinals and the newly created New York Mets.[155]

The situation in the minors was even worse. In 1947, when Robinson crossed the color bar into the majors, 175 towns and cities throughout the South had Minor League teams, however, no blacks played on them. Not until 1952 did a few blacks make it onto the team rosters, and by the end of the 1950s, a number of future stars, including Henry Aaron, were joining the previously segregated ranks. As with southern black residents in the communities they played, these athletes experienced the same racial discrimination in public accommodations. After the Deep South embarked on massive resistance, progress slowed as cities such as Birmingham outlawed integrated athletic contests. Segregationists fashioned a domino theory of race relations in sports: if baseball diamonds fell to integrated teams, other forms of segregation would topple. Black fans resorted to economic boycotts against the exclusion of African American players, which created severe financial hardship that forced some owners to capitulate. However, many others refused to let their financial interests interfere with their racism and went out of business. The Southern Association, which contained the Birmingham Barons, shut down in 1961 rather than accept black ball players. Not until 1964 were black ball players commonly accepted throughout the southern Minor Leagues.[156]

The Younger Generation and Early Sit-Ins

Most of the victories against Jim Crow had come through the courts in a slow, piecemeal fashion. The wartime direct action campaigns of CORE and the Howard University students had not inaugurated a mass movement throughout the South; neither had the Montgomery bus boycott initiated widespread protest activities. Although African Americans continued to file lawsuits against racial discrimination, by the end of the 1950s a younger generation of blacks was preparing to confront Jim Crow head on but nonviolently.

In August 1958, Clara Luper, the adult advisor to the NAACP Youth Council in Oklahoma City, accompanied thirteen of its members to Katz Drugstore, took seats at the whites-only lunch counter, and were turned down. Luper, a school teacher at Dunjee High School, had been influenced by Martin Luther King, Jr., and spent fifteen months planning sit-ins at five downtown stores—Katz, the John A. Brown department store, S. H. Kress and Company,

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[155] Ibid., 314-319.

[156] Bruce Adelson, Brushing Back Jim Crow: The Integration of Minor-League Baseball in the American South (Charlottesville: University of Virginia Press, 1999), passim.

Veazey's Drug, and Green's Variety Store. The latter two agreed to desegregate voluntarily, and after three days of sit-ins from August 19 to 21, Katz capitulated. The students next turned to Kress, which served them standing up after removing the counter stools. Brown's waited out the demonstrators until September when school resumed and the protests fizzled. The next few years saw additional protests, and the number of integrated eating facilities open to blacks rose to over 100.[157]

CORE sponsored similar attempts in Florida in 1959. Its Miami chapter, led by Dr. John Brown, a black physician and NAACP vice president, and Shirley Zoloth, the wife of a Jewish businessman, orchestrated sit-ins at variety-store lunch counters and Byrons-Jackson department store. They did not produce even the partial successes of those in Oklahoma City, and the protests quickly came to an end.[158]

In 1959, CORE joined the NAACP and the Interdenominational Ministers Council to wage an intensive campaign of demonstrations at segregated cafeterias, restaurants, hotels, and theatres in downtown Louisville, Kentucky. Ironically, the Brown Theatre barred African Americans from attending the showing of the all-black production of "Porgy and Bess." These demonstrations were built upon direct action protests against Jim Crow that had begun in 1956. They would continue on and off until 1963, when the city's board of aldermen passed an ordinance "prohibiting racial discrimination in public business places."[159]

Just as *Brown v. Board of Education* showed that segregation existed in Topeka, Kansas, sit-ins exposed the presence of Jim Crow outside the South. The Sunflower State once again proved itself vulnerable, but this time it did not generate the publicity provided by *Brown*. On July 5, 1958, ten members of the NAACP Youth Council in Wichita sat-in at the downtown Dockum Drug Store, part of the Rexall chain, after they were denied service at the lunch counter. Protests continued through early August and caused the store to lose substantial profits. Consequently, the manager of Dockum announced that blacks could use all the facilities on a non-segregated basis.[160]

The Nashville Student Movement

These scattered sit-ins were a portent of a tidal wave of demonstrations that was about to wash over the South and change its landscape immeasurably. In late 1959, in Nashville, Tennessee, a group of students affiliated with Fisk University, Vanderbilt University, and the American

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[157] Carl R. Graves, "The Right to be Served: Oklahoma City's Lunch Counter Sit-ins, 1958-1964," in *We Shall Overcome: The Civil Rights Movement in the United States in the 1950's and 1960's,* ed. David J. Garrow (Brooklyn: Carlson Publishing, 1989), 1:283, 285, 288, 291. Not until June 2, 1964, after continued protests by the NAACP and CORE, did Oklahoma City pass a public accommodations law banning segregation in restaurants, swimming pools, theatres, and other facilities.

[158] Meier and Rudwick, *CORE*, 90-91; Rabby, *Pain and Promise,* 83.

[159] George C. Wright, "Desegregation of Public Accommodations in Louisville: a Long and Difficult Struggle in a 'Liberal' Border City," in *Southern Businessmen and Desegregation*, ed. Elizabeth Jacoway and David R. Colburn (Baton Rouge: Louisiana State University Press, 1982), 197, the quote is on 209.

[160] One of the "Wichita 10" was Ronald Walters who is currently a Distinguished Professor of Government and Politics at the University of Maryland. On the Wichita sit-in he wrote an Op-Ed entitled "Sit-ins Omitted From the History Books," *The New York Beacon*, March 6, 2002.

Baptist Theological Seminary were carefully preparing a campaign to integrate the city's segregated lunch counters. James Lawson, a Vanderbilt graduate student in theology, a veteran of the Fellowship of Reconciliation, and a disciple of Gandhian nonviolent resistance, conducted workshops that attracted students such as Diane Nash, a Chicagoan attending Fisk, and John Lewis, from rural Alabama attending the American Baptist Theological Seminary. For Nash, who unlike the Alabama-native Lewis journeyed from the North to attend college, the reality of southern segregation came as a shock. "I had a date with a young man," she recalled, "and I started to go to the ladies' room. And it said 'white' and 'colored', and I resented that. I was outraged." Nash and Lewis created the Nashville Student Movement and attended Lawson's Tuesday evening sessions held at Clark Memorial United Methodist Church near the Fisk campus, where the participants improvised role-playing techniques in rehearsal for the sit-ins planned for 1960. At these practice meetings, some students behaved as white ruffians and taunted others acting as peaceful demonstrators, thereby testing their ability to remain nonviolent in the face of verbal and physical abuse.[161]

Greensboro

However, before the Nashville Movement could get underway, students in Greensboro, North Carolina upstaged them. On February 1, 1960, four freshmen at North Carolina A&T walked into Woolworth (often referred to as Woolworth's) on the corner of Elm and Market streets in downtown Greensboro. The five and dime store willingly sold its merchandise to black customers but refused to serve them at its lunch counter that stretched across the back and along one side of the store. According to plan, Joseph McNeil bought toothpaste and Franklin McCain purchased school supplies. They then joined David Richmond and Ezell Blair, Jr., who sat at the lunch counter and ordered a cup of coffee from a waitress who declined to serve them. The manager, Clarence L. (C. L.) Harris, soon closed the lunch counter. Over the next few days, scores of students poured into the downtown area to resume the demonstration at Woolworth and to try to integrate the lunch counter at the S.H. Kress store across the street from Woolworth, but to no avail.

Although the four A&T students had not planned their demonstration with the same degree of preparation as those in Nashville, their sit-in was spontaneous only in the sense that they had not plotted out the time and place of their venture more than a few days in advance. However, these demonstrations emerged out of a deeper community tradition in Greensboro, which fostered the questioning of Jim Crow. Two of the young men belonged to the city's NAACP Youth Council, and two attended services at the Shiloh Baptist Church pastored by the Reverend Otis Hairston, an outspoken critic of white supremacy. They had also frequented the clothing establishment of Ralph Johns, a white activist who encouraged them to integrate Woolworth. They received further help from George Simkins, a black dentist and head of the adult NAACP chapter, who, after the initial demonstration, put out a call for CORE representatives to come to Greensboro and provide advice based on their first-hand experience with direct action protests.[162]

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[161] Juan Williams, *Eyes on the Prize: America's Civil Rights Years* (New York: Viking Press, 1987), 123, 126, with quote on 130; David Halberstam, *The Children* (New York: Random House, 1998), 60-89; John Lewis, *Walking With the Wind: A Memoir of the Movement* (New York: Simon & Schuster, 1998), 84.

[162] Myles Wolff, *Lunch at the 5 & 10: The Greensboro Sit-Ins: A Contemporary History* (New York: Stein and Day, 1970), 26, 39; William H. Chafe, *Civilities and Civil Rights* (New York: Oxford University Press, 1980), 81, 84, 85. Previously, Simkins had brought suit against Greensboro for operating a municipal golf course barred to blacks.

The first week of demonstrations attracted black students from A&T, Bennett College, a private institution for African American women, and Dudley High School as well as a handful of white students from the Women's College of North Carolina and Guilford College, a Quaker school. After a week, the mayor, George Roach, negotiated a truce and set up a committee consisting of seven whites and one black, headed by city councilman E. R. Zane, to recommend a solution. When the Community Relations Committee failed to resolve the matter, demonstrations resumed on April 1. Woolworth closed its doors, but Kress stayed open and called in the police to arrest protesters on charges of trespassing. Undeterred, Greensboro blacks rallied around the students, waged a boycott against the stores, and set up picket lines outside them.[163]

Out of the limelight, the mayor's committee continued to search for a resolution of the crisis. Working through the summer, Zane hammered out a deal that would integrate Woolworth, Kress, the Guilford Dairy Bar, and Meyer's Luncheonette. On July 25, without fanfare and media coverage three, pre-selected, black Woolworth employees were served at the formerly off-limits lunch counter. Although restaurants and recreational accommodations remained segregated, Greensboro blacks had won an important victory beyond their ability to eat a hamburger at a variety store lunch counter. They had reconfigured the very definition of racial etiquette and discredited what whites deemed as appropriate African American behavior. As one student remarked: "Most whites think communications have broken down just because they're getting a new message. We've known all along what they were thinking—now they're learning what we think. And it doesn't fit in with their pet myths."[164] Franklin McCain, one of the original Greensboro Four, explained how the protests had transformed him: "Seems like a lot of feelings of guilt or what-have-you suddenly left me, and I felt as though I had gained my manhood, so to speak, and not only gained it, but had developed quite a lot of respect for it."[165]

The Spread of the Sit-Ins

Unlike previous sit-ins in the 1940s and 1950s, the 1960 demonstrations spread like wildfire. Besides accounts in the media, especially television, news of the sit-ins passed quickly through word of mouth at sporting events involving athletes and fans from nearby black colleges as well as by operatives from CORE and the NAACP. The efforts that black students and adults had made since the end of World War II in building up existing organizations and creating new ones to challenge racial discrimination were finally paying off. As sociologist Aldon Morris has noted: "The pre-existing internal organization enabled organizers to quickly disseminate the "sit-in" idea to groups already favorably exposed to direct action."[166] Within a few weeks of the

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After the city lost, it sold the golf course to a private club, which continued to exclude blacks. Richard Bardolph, ed., *The Civil Rights Record* (New York: Thomas Crowell, 1970), 504.

[163] Chafe, Civilities and Civil Rights, 89-94.

[164] Wolff, Lunch at the 5 & 10, 151.

[165] Quoted in Howell Raines, My Soul Is Rested: Movement Days in the Deep South Remembered (New York: Putnam, 1977), 78.

[166] Aldon Morris, "Black Southern Student Sit-In Movement: An Analysis of Internal Organization," *American Sociological Review* 46 (December 1981): 765.

Greensboro sit-ins, similar protests had occurred in eleven cities in five states: North Carolina, Virginia, Florida, South Carolina, and Tennessee.

Nashville

Long-brewing demonstrations finally began in Nashville on February 18, 1960, as two hundred students marched to the city's downtown stores. These sit-ins led to physical attacks on the demonstrators, who remained true to their training in nonviolence. Yet scores of protesters were arrested on charges of disorderly conduct and trespassing. Violence escalated after the managers of the Greyhound bus terminal agreed to integrate its facilities and two unexploded bombs were found at the station. Z. Alexander Looby, the black attorney for the Nashville Movement, was not as fortunate when his house was bombed on April 19. In addition to a boycott timed to coincide with the Easter shopping season, Diane Nash led a march of twenty-five hundred students to city hall. There she confronted Mayor Ben West and challenged him to explain the morality of the policy that allowed blacks to shop in a variety store but denied them the right to eat at its food counter. West, keenly aware of the losses suffered by the business community as a result of the boycott and demonstrations, conceded that lunch counter segregation was wrong. Consequently, on May 10, six Nashville stores opened their eating facilities to African Americans. As in Greensboro, however, theatres, hotels, and restaurants remained segregated.[167]

Knoxville

From Nashville the sit-ins stretched to Knoxville. Merrill Proudfoot, a white Presbyterian clergyman and faculty member at the predominantly black Knoxville College, joined students in being denied lunch at Rich's department store. The group tried Walgreens, and Grant, with a similar outcome. They carried signs underlining the contradiction of the United States waging a Cold War for freedom against the Soviets abroad while condoning racial inequality at home. Referring to the Soviet premier who had visited the United States two years earlier, one poster read: "Khrushchev Could Eat Here, I Can't." Ministers played an important role in convening meetings at the Tabernacle Baptist Church and Mt. Zion Baptist Church to maintain solidarity and discipline. At Walgreens a white heckler poured Coca Cola over Proudfoot's head and struck him, but he remained nonviolent. Protesters beefed up their demonstrations with the initiation of a selective buying campaign, which hit downtown businesses hard in their pocketbooks. Finally, after several months of confrontations and negotiations, on July 18, Woolworth, Kress, McClellan, Grant, and Walgreens opened their lunch counters to blacks.[168]

Baltimore

One of the most successful early sit-ins took place in Baltimore, Maryland. Like nearby Washington, D.C., Baltimore was a border-state city that shared southern racial practices in public accommodations. However, unlike locations further south, blacks, who compose a third of the city's population, did not encounter segregation on trains and buses. They could also vote and had elected blacks to the city council and state legislature. During the 1950s some progress had been made as CORE led sit-ins to desegregate downtown variety store lunch counters, and students from Morgan State College, a black school, desegregated lunch counters at Read's Drug

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[167] Williams, *Eyes on the Prize*, 132-138.

[168] Merrill Proudfoot, *Diary of a Sit-In* (Urbana: University of Illinois Press, 1990), passim.

Store in the Northwood Shopping Center, located a mile from the college. By the time of the Greensboro demonstrations, the main public accommodations still segregated consisted of beauty shops, restaurants, and the women's apparel sections of department stores. In 1960, Morgan State College students, organized under the banner of the Civic Interest Group, conducted protests at the Hecht-May store restaurant in Northwood and at Hutzler's department store restaurant. The disciplined group of students and their allies attracted a good deal of support from both the black and white communities. After three weeks of demonstrations, the department stores capitulated and abandoned segregation, pursuing their own best economic interests by reaching a solution.[169]

Tampa

Further south in Tampa, Florida, on February 29, black high school students organized by the NAACP Youth Council and led by its president Clarence Fort, launched a sit-in against downtown Woolworth and Kress lunch counters. In other cities in the Sunshine State, most notably Jacksonville and Tallahassee, sit-ins had led to arrests, violent attacks, and proved fruitless. However, Tampa showed more restraint. The mayor, Julian Lane, appointed a biracial committee to mediate the dispute, and its black and white representatives worked out a deal to integrate the variety-store lunch counters. On September 14, six-and-one-half months after the sit-ins began, teams of carefully selected blacks were served at eighteen establishments without any trouble.[170]

Atlanta

Four hundred miles north of Tampa, protesters encountered more difficulty and generated greater publicity. On February 4, a few days after the Greensboro sit-ins commenced, Julian Bond and Lonnie King met at Yates and Milton's Drugstore near the campus of Atlanta University, where they were students, and planned to launch similar protests. After a declaration of their goals appeared in local newspapers, two hundred students protested at segregated facilities in City Hall, the State Capitol, Fulton County Courthouse, and the city's train and bus stations, resulting in the arrests of nearly eighty including Bond. Following a cooling-off period, the students resumed their protests in mid October in the midst of the final weeks of the 1960 presidential election. They convinced Martin Luther King, Jr., who had moved to Atlanta from Montgomery, to join them in their attempt to integrate the restaurant facilities at downtown Rich's Department Store. On October 19, King and his student companions were rebuffed at a snack bar in the covered bridge that connected the two wings of the store on both ends of Forsyth Street. From there, King and the demonstrators went up to the sixth floor of Rich's to try to eat in the store's fancy Magnolia Room. Once again denied service, this time they were arrested for trespassing.

This action precipitated a chain of events that affected the outcome of the 1960 election. King, who was on probation for a minor traffic violation, was sent to the state penitentiary at Reidsville, a facility for hardened criminals. Advisors to Democratic presidential candidate John

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[169] August Meier, "The Successful Sit-Ins in a Border City: A Study in Social Causation," *The Journal of Intergroup Relations* 2 (summer 1961): 230-237.

[170] Steven F. Lawson, "From Sit-In to Race Riot: Businessmen, Blacks, and the Pursuit of Moderation in Tampa, 1960-1967," in *Southern Businessmen*, 257-281; Martin Oppenheimner, *The Sit-in Movement of 1960* (Brooklyn: Carlson Publishing, 1989), 142ff, 157ff; Rabby, *Pain and Promise*, 142.

F. Kennedy persuaded him to call King's wife, Coretta, and offer sympathy for her husband's plight. More importantly, the candidate's brother and campaign manager, Robert, pulled strings with state Democratic officials to get a judge to release King. John Kennedy's Republican opponent, Richard M. Nixon, though concerned about King, refused to intervene. For his intervention, Kennedy won a small but significant increase of black voters over what the losing Democratic nominee, Adlai Stevenson, had received in 1956, just enough to provide the margin of victory as Kennedy won by less than .3 percent of the popular vote.[171]

The King episode may have thrust Kennedy into the White House, but it did not bring an immediate end to lunch counter segregation in Atlanta. The sit-ins resumed the following year on February 1, 1961, the anniversary of Greensboro. White and black business, civic, and religious leaders, including Martin Luther King, Jr.'s father, urged the student demonstrators to suspend their protests until desegregation of the schools was implemented in the fall. They did not want the protests to heighten racial tensions that might interfere with school integration. On March 10, King persuaded the students to hold off and give their elders' plan a chance to work. In this instance patience was rewarded, and on September 27, 1961, Atlanta saw its lunch counters desegregated.[172]

Atlanta demonstrated the limits of moderation in achieving swift results. Even more so than in cities like Tampa and Greensboro, Atlanta prided itself as the "City Too Busy to Hate," and had forged a biracial coalition of civic and business leaders to head off conflicts between the black and white communities. City fathers (few women occupied high positions among the political and corporate elite) preferred the gradual pace of litigation and negotiation to direct action protests and did what they could to contain them. This approach generally assured racial peace, but it did not guarantee desegregation. Established black leaders such as attorney Austin Thomas (A. T.) Walden, life insurance executive Eugene Martin (E. M.), and the Reverend Martin Luther King, Sr., cooperated with Mayors William Hartsfield and Ivan Allen to achieve desegregation incrementally and incompletely. A lawsuit brought desegregation to the city's golf courses in 1955, and black leaders eschewed a Montgomery-style bus boycott and waged a decorous, two-year legal battle to achieve bus integration in 1959. Fearing instability and violence that could threaten potential business investment, influential blacks and whites reigned in the student-led sit-ins, as noted earlier. Despite some success at the lunch counters, as late as 1964, Atlanta had desegregated only one in ten restaurants and three of 150 motels and hotels.[173] Although cooperation between black and white elites tamped down the flames of racial discord, it would take the force of federal legislation eventually to eradicate Jim Crow public accommodations.

First-Year Results

The sociologist Martin Oppenheimer has calculated that, in the first year after Greensboro, demonstrations took place in 104 communities. In sixty-nine of them, the protests turned out favorably, and in twenty-nine they proved unsuccessful. Overall, he computed a 56.5 percent

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[171] Branch, *Parting the Waters*, 350; Harvard Sitkoff, *The Struggle for Black Equality 1954-1980* (New York: Hill & Wang, 1981), 76-80; Lawson, *Black Ballots*, 255-258.

[172] Oppenheimer, Sit-in Movement, 133, 137, 139; Sitkoff, The Struggle for Black Equality, 81.

[173] Fairclough, *To Redeem*, 43, 175-177.

success rate. In March 1961, CORE reported a higher scorecard of progress. According to the organization's figures, 138 communities had agreed to some measure of integrated facilities since February 1, 1960. Still, Oppenheimer and CORE agreed that the results were highly uneven. Segregation remained intact in the Deep South states of Alabama, Arkansas, Louisiana, South Carolina, Mississippi, and Georgia (before Atlanta integrated in late 1961). Not for lack of trying did segregation prevail. Protests in Orangeburg, Rock Hill, and Columbia, South Carolina; New Orleans and Baton Rouge, Louisiana; and Montgomery, Alabama ended unsuccessfully.[174]

Mississippi Gulf Coast

Nowhere in the South was Jim Crow more entrenched than in Mississippi. During the 1950s, blacks had endured a regimen of state-sponsored violence and intimidation to maintain white supremacy. In 1955, George Lee and Lamar Smith were murdered as a result of their efforts to expand the right to vote, and Emmett Till, a fourteen-year-old youth from Chicago, was brutally killed for allegedly flirting with a white women. Four years later, Mack Charles Parker was lynched after he supposedly raped a white woman. Politicians openly joined the White Citizens' Council, an organization formed in Mississippi in 1955 that spread throughout the South to subvert the *Brown* decision. Composed of respectable businessmen and civic leaders, the organization's members fired black employees and refused blacks credit if they sought to exercise their constitutional rights. In 1956, the state legislature created the Mississippi State Sovereignty Commission, an agency that spied on and intimidated blacks and worked with the Citizens' Council and local officials to preserve racial segregation. What these groups did not accomplish, the Ku Klux Klan did through terror and violence. Chronicling this pattern of racial repression, James W. Silver, a history professor at the University of Mississippi, astutely called the Magnolia State "the closed society."[175]

Yet even Mississippi was not immune from protests. On May 14, 1959, Gilbert Mason, an African American physician from Biloxi, led a group of eight blacks, including five children, to swim in the Gulf Coast waters near his home. A policeman forced the swimmers out, informing them that a municipal ordinance prevented blacks from using the beach reserved exclusively for whites. In fact, no such law existed, but local authorities along with private developers and homeowners insisted on barring blacks from the stretch of beaches running from Biloxi to Gulfport. The thirty-year-old Dr. Mason, a graduate of Howard University Medical School, refused to back down. Because of the area's attraction as a popular tourist spot, the presence of lucrative shipbuilding and seafood industries, the existence of Keesler Air Force Base, the Navy Construction Battalion Center, and two Veterans Administration hospitals, blacks believed that conditions were right for winning concessions from whites who did not want racial conflict to interfere with business opportunities.[176]

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[174] Oppenheimer, *Sit-in Movement*, 177-179; Barnes, *Journey from Jim Crow*, 143; Fairclough, *Race and Democracy*, 267-270, 272-276.

[175] See James W. Silver, *Mississippi: The Closed Society* (New York: Harcourt, Brace & World, 1966), and John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1994).

[176] J. Michael Butler, "The Mississippi State Sovereignty Commission and Beach Integration, 1959-1963: A Cotton-Patch Gestapo," *Journal of Southern History* 68 (February 2002), 113.

As a leader of the Harrison County Civic Action Committee, Mason petitioned local authorities to provide blacks with equal access to the beaches, but to no avail. He not only had to contend with intransigent municipal officials but also with the Sovereignty Commission, which sent agents to investigate his background and undermine his efforts. As part of its plan, the commission secretly collaborated with one of Mason's colleagues on the Civic Action Committee, Felix Dunn, a Gulfport physician and head of the local NAACP chapter, who provided information about the protesters and assured officials that blacks only wanted a segregated beach. Besides his medical practice, Dunn had clandestine business dealings with white businessmen and local officials that he did not want upset by racial confrontations and white retaliation.[177]

Undeterred by these obstacles, on April 24, 1960, Mason orchestrated a "wade-in" of some 125 black men, women, and children at the beaches near Biloxi. The peaceful demonstration spawned a riot as a mob of white segregationists wielding lead pipes, blackjacks, pool cues, chains, and guns attacked the swimmers, causing serious injury to approximately fifteen blacks. When an interracial group of soldiers from Keesler Air Force Base attempted to shield some elderly blacks from the mob, they too were assaulted. The police arrested twenty-four people, twenty-two of them African Americans, including Mason, who had also been attacked and beaten by a white man. Mason subsequently broke with Dunn, who had not participated in the wade-in, and formed a separate chapter of the NAACP in Biloxi, a branch that received support from both Medgar Evers, the head of the Mississippi NAACP, and Roy Wilkins, the executive secretary of the national association. Despite these pioneering efforts, the Gulf Coast beaches remained segregated, and the controversy moved into the courts. Nevertheless, this local challenge to Jim Crow and the grassroots adaptation of the sit-in tactic opened the way for new and continuing challenges against segregation over the next several years in Mississippi and the rest of the South.[178]

Student Nonviolent Coordinating Committee

Although only partially successful, the sit-ins brought a younger generation of African American women and men into the movement, which stimulated efforts to challenge all forms of segregation head on. Leading the way was the Student Nonviolent Coordinating Committee (SNCC). Created in April 1960 at Shaw University, a black college in Raleigh, North Carolina, the organization attracted some of the best, brightest, and most courageous black and white young people. SNCC was committed to nonviolent, direct action protest and over the next half-

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[177] Ibid., 134, note 56. Dunn's role is disputed. Mason believed that Dunn was something of a double agent, working to mislead the commission. J. Michael Butler, however, from his study of recently released Sovereignty Commission records, contends that Dunn was an informer.

[178] Ibid., 126, 129, 131, 137. On June 23, 1963, Mason led another wade-in with similar results. Police arrested seventy-one protesters and kept white-initiated violence to a much lower level than in 1960. Not until July 31, 1972 did the federal courts resolve the issue. Former governor James P. Coleman, who had helped establish the Sovereignty Commission and was serving on the federal court of appeals, ruled that Harrison County officials had taken federal disaster funds from federal officials in Washington after a 1947 hurricane and in doing so, Mississippi agreed to ensure that the beaches would be open to the public, which included African Americans. See 140, 142, 143.

decade its fieldworkers entered some of the most perilous places in the Deep South to combat Jim Crow.[179]

Diane Nash was one of the student leaders that helped give birth to SNCC. The national leadership of the civil rights movement centered on strong men, but women such as Nash, played a huge rule that men could not deny. According to Nash, "I ran into some real problems in terms of being the only woman at the stage when we were just setting SNCC up as an organization. It was really rough not being just one of the guys. They did tend to look at me that way. However, they had to tolerate me because I had such a strong local base in Nashville, and at that time I had gotten probably more publicity than any other student in the movement."[180]

Although SNCC became the vanguard for a younger generation of African Americans pursuing racial equality, it derived a great deal of inspiration and direction from veteran civil rights activists. Born in 1903 in Norfolk, Virginia, Ella Baker had lived in Harlem during the Great Depression and organized economic cooperatives to relieve black poverty. During the 1940s, she served as director of branches for the NAACP and toured the South helping to promote Youth Councils, including one in Greensboro from which the 1960 sit-ins would emerge. In the mid-1960s, she was instrumental in launching the SCLC and served briefly as its executive director. In that position, she encouraged sit-in activists to assemble at her alma mater of Shaw University and urged them to form their own organization independent of existing groups. As noted above, SNCC grew out of this gathering. Miss Baker, as she was respectfully called by the youthful SNCC members, from the very beginning envisioned the sit-ins as something "bigger than a hamburger or even a giant-sized Coke." She viewed these demonstrations as the opening wedge "to rid America of the scourge of racial segregation—not only at lunch counters, but in every aspect of life."[181]

SNCC reflected Baker's approach to fighting for social change. She had never felt comfortable within the bureaucratic organizational structure of the NAACP, which placed a premium on leadership from the top down and on hierarchical decision making. Nor had she flourished within the SCLC, which depended on the charismatic style of one great leader—Martin Luther King, Jr. In both organizations, women took a back seat to men, especially in the SCLC where strong-minded ministers reigned. Instead, Baker wished to seek out leadership at the community level and rely on ordinary men and women to shape their own destinies. In the young people of SNCC she discovered and nurtured kindred ideological spirits. Baker found its grassroots perspective and group-centered leadership "refreshing indeed to those of the older generation who bear the scars of the battle, the frustrations and the disillusionment that come when the prophetic leader turns out to have heavy feet of clay."[182] When SNCC members quarreled about

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[179] For further information on SNCC see Clayborne Carson, *In Struggle: SNCC and the Black Awakening of the 1960s* (Cambridge: Harvard University Press, 1981); Charles Payne, *I've Got the Light of Freedom* (Berkeley: University of California Press, 1995); Howard Zinn, *SNCC: The New Abolitionists* (Boston: Beacon Press, 1965).

[180] Belinda Robnett, How Long? How Long? African-American Women in the Struggle for Civil Rights (New York: Oxford University Press, 1997), 102.

[181] "Excerpt from Ella J. Baker's 'Bigger Than a Hamburger'," in *Debating the Civil Rights Movement, 1945-1968*, ed. Steven F. Lawson and Charles Payne (Lanham, Md.: Rowman & Littlefield, 1998), 139; Joanne Grant, *Ella Baker: Freedom Bound* (New York: Wiley, 1998), passim.

[182] Baker, "Bigger than a Hamburger," 140.

whether to concentrate on direct action demonstrations to topple segregation or focus on the presumably less confrontational drives to increase voter registration, Baker gently prompted them to undertake both, which they did.

Another woman who exerted a great deal of influence on young people in the movement was Septima Clark. Born in Charleston, South Carolina in 1898, Clark made her greatest impact on the civil rights movement through her work in citizenship education. Active in both the NAACP and the YWCA, Clark was fired from her teaching job for protesting South Carolina's attempt after the *Brown* case to persecute blacks who belonged to civil rights groups. She soon became director of workshops at the Highlander Folk School in Monteagle, Tennessee, an institution that recruited labor and community leaders of both races to come together and explore techniques for social reform. In early 1955, one of her "students" was Rosa Parks. In 1960, Clark earmarked her educational forums at Highlander to facilitate the activities of the sit-in demonstrators. In synchronicity with Baker's teaching to build leadership from the bottom up, Clark brought Baker to Highlander to conduct educational workshops with her.[183]

Many of the women and men who participated in the movement had attended workshops at Highlander. Established in 1932 by Myles Horton, a native-born Tennessean, a graduate of Union Theological Seminary in New York City, and a democratic socialist, the facility opened its doors originally to help the impoverished of southern Appalachia through political organizing and cultural education. Not a school in any traditional sense, Highlander provided education to oppressed adults seeking to change their material and social conditions. During the 1930s, it worked closely with organized labor to pursue its goals. A decade before *Brown*, Highlander supported school desegregation, and throughout the 1950s and 1960s, conducted interracial workshops for teachers and civic leaders, including Rosa Parks, in community organizing, citizenship training, and nonviolent protest. Highlander came under frequent attack because of its work with unions and civil rights causes. White southern reactionaries branded it the "Communist Training School," and in the mid 1950s circulated widely a photograph of Martin Luther King, Jr. at one of its sessions. In 1961, the state legislature revoked the school's charter and forced it to reorganize and move from Monteagle to Knoxville, Tennessee. Since then, it has relocated to New Market, Tennessee, where it still operates, having resumed its original goal to help Appalachia's poor people.[184]

The 1961 Freedom Rides

This emphasis on participatory democracy encouraged great innovation and flexibility in SNCC. For example, the group played a crucial role in the historic Freedom Rides of 1961. However, the idea was originally conceived and implemented not by SNCC but by CORE. Fourteen years earlier CORE had sponsored the Journey of Reconciliation, and James Peck, one of the passengers participating in that trip, was on board on this one as well. As difficult as the 1947 excursion had proved to be, the danger to the current riders was greater because they would

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[183] Grace Jordan McFadden, "Septima P. Clark and the Struggle for Human Rights," in *Women in the Civil Rights Movement: Trailblazers and Torchbearers, 1941-1965*, ed. Vicki L. Crawford, Jacqueline Anne Rouse, and Barbara Woods (Brooklyn: Carlson Publishing, 1990), 85-97. In 1961, Clark became director of citizenship education for the SCLC.

[184] John M. Glen, *Highlander: No Ordinary School, 1932-1962* (Lexington: University of Kentucky Press, 1988), passim.

travel further south through Alabama and Mississippi where civil rights activists encountered the greatest resistance from whites. In April 1961, James Farmer, the Executive Director of CORE, advised the White House, Justice Department, and the FBI of his group's intention of sending two teams of interracial freedom riders on buses from Washington, D.C. to New Orleans. They sought to test whether the recent *Boynton* decision was being enforced in bus station facilities in the South, and alerted Washington to the possibility of trouble. No federal official replied to Farmer's communications.[185]

On May 4, seven blacks and six whites broke up into two interracial groups and boarded a Trailways and a Greyhound bus out of the nation's capital to begin what Farmer proclaimed, as "putting the movement on wheels."[186] For the most part the journey proceeded uneventfully, though the riders did encounter occasional harassment. One of the passengers, Charles Perkins, was arrested in Charlotte, North Carolina after he was turned down for a shoeshine and refused to leave. A day later, on May 9 in Rock Hill, South Carolina, white onlookers beat John Lewis, the Nashville student and SNCC member, along with Albert Bigelow, a white pacifist, as they tried to enter a white waiting room. In Winnsboro, South Carolina, police arrested Peck and Henry Thomas, a Howard University student, when they attempted to eat at a white lunch counter. No further incidents occurred the rest of the way as the two buses rolled through the Palmetto State and through Georgia.[187]

The relatively tranquil experience was about to end with a fury. On May 14, Mother's Day Sunday, as the Greyhound bus journeyed into Anniston, Alabama, a crowd of enraged whites intercepted the vehicle, smashed its windows, and slashed the tires. The police came to the rescue and freed the bus, enabling it to escape the city. However, about six miles out of town, the bus stopped as its tires went flat. The mob caught up with the disabled Greyhound, and someone hurled a firebomb through a broken window into the bus. As the riders hastily departed from the vehicle that was about to burst into flames, the terrorists pummeled them. Members of Reverend Fred Shuttlesworth's Alabama Christian Movement for Human Rights (ACMHR) of Birmingham, rescued the besieged passengers, put them in cars, and drove them to Birmingham. When the Trailways bus reached Anniston, the violence again flared. A group of eight whites jumped on the bus and demanded that the black passengers sit in the back. As they forced the blacks into the rear, two whites, James Peck and Walter Bergman, tried to intervene. For their efforts, the white thugs beat the two. Somehow the bus managed to resume the trip, but when it pulled into Birmingham a mob of some forty whites greeted the arriving passengers with an attack that left Peck with a head wound, which required fifty-three stitches, and Walter Bergman, a sixty-year-old retired professor from the University of Michigan, with serious brain damage. The city's commissioner of public safety, Eugene "Bull" Connor, had advance warning of the impending mob attack, but he permitted the brutality to persist for an agonizing fifteen minutes until he finally allowed law enforcement officials to intervene.[188]

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[185] Farmer, *Lay Bare,* 197-198.

[186] Sitkoff, The Struggle for Black Equality, 100.

[187] Ibid., 100-101; Farmer, *Lay Bare,* 199-200.

[188] Sitkoff, *The Struggle for Black Equality*, 101-102; Farmer, *Lay Bare*, 202-203.

Although the besieged riders wanted to continue on their journey, the bus companies refused to furnish drivers for fear of further violence. Instead, the riders boarded an airplane, arranged by the Justice Department, and on May 17, flew to their final destination of New Orleans. The department, which James Farmer had contacted before the rides began, had been monitoring this interstate journey. The last thing Attorney General Kennedy wanted was an outburst of racial trouble that would put his brother's administration in an unfavorable light both at home and abroad. Not for the last time, he hoped to defuse the explosive situation.

At this juncture, Diane Nash and the SNCC group in Nashville contacted Farmer and promised to send volunteers into Birmingham to resume the ride. She feared that the movement would suffer a serious blow if it allowed white violence to deter it. Farmer consented, and Nash assembled a new band of SNCC members, including John Lewis and Henry Thomas from the original contingent, to head for Birmingham. When the group of eight blacks and two whites arrived, they were arrested and placed into "protective custody." The next day Bull Connor personally drove them to the Alabama border with Tennessee and dropped them off in the middle of nowhere. The group managed to call Nash, who sent a car to return them to Birmingham. Once there, they tried to take a Greyhound bus, but again the company would not provide a driver.[189] Attorney General Robert Kennedy intervened—"Get in touch with Mr. Greyhound," he ordered—and the company complied. On May 20, the bus carried twenty-one passengers to Montgomery, including fresh SNCC recruits from Nashville and Atlanta. Arriving at the Greyhound terminal, the state police caravan accompanying the bus on this leg of its journey dispersed, and as the passengers disembarked, a mob chased and brutally attacked them. In the ensuing melee, John Lewis suffered a head wound; Jim Zwerg, a white volunteer, was beaten to a pulp; and John Siegenthaler, a Justice Department observer who was trying to assist two female riders, was knocked unconscious by a man wielding a pipe.[190]

Appalled by this new round of violence and concerned by the unfavorable publicity generated throughout the world by this bloody incident, the Kennedy administration sent some four hundred U.S. marshals to Montgomery and worked behind-the-scenes to negotiate a settlement. Meanwhile, on May 21, Martin Luther King, Jr., who had not been involved in the planning or direction of the Freedom Rides, arrived in Montgomery and spoke before a crowd packed into Ralph Abernathy's First Baptist Church. Outside white mobs formed, assaulted black onlookers, torched parked cars, and flung rocks and Molotov cocktails at the church. Meanwhile, Dr. King kept in telephone communication with Attorney General Kennedy, who monitored the crisis. U.S. marshals fought to repel the siege, fired tear gas into the crowd, but were outnumbered. As gas fumes wafted inside the house of worship, Dr. King called for calm to allay the mounting sense of anxiety. Finally, Governor John Patterson, a segregationist who had denounced the riders as rabble rousers, but was under intense pressure from the federal government, declared martial law and sent in the National Guard to restore order and free the churchgoers.[191]

With President Kennedy about to leave for Vienna, Austria for a face-to-face meeting with Nikita Khrushchev, Attorney General Kennedy urged SNCC and CORE to consent to "a cooling

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[189] Halberstam, *The Children*, 290-298.

[190] Sitkoff, *The Struggle for Black Equality*, 102-105; Williams, *Eyes on the Prize,* 153 (for the Kennedy quote); Branch, *Parting the Waters*, 443.

[191] Garrow, *Bearing the Cross,* 157-158.

off period" to forestall further disturbances that would embarrass the United States. The chief executive, like Eisenhower and Truman before him, was acutely aware of the embarrassment racial conflicts caused the United States in its Cold War propaganda battles with the Soviet Union. Newspapers abroad headlined America's racial violence and played into the hands of the Soviets, who proclaimed Americans as hypocritical in preaching the virtues of democracy while condemning the Russians for violating human rights. The civil rights forces had no intention of rescuing the government from its propaganda nightmare and declined to call off the rides.

Rebuffed, the attorney general finally worked out an agreement for Alabama state troopers to protect the bus riders on the next leg of their trip and then have Mississippi authorities escort them to Jackson. Once safely there, city officials would have them peacefully arrested, tried, and convicted for violating the state's segregation laws.[192] All went according to plan, but at the expense of Freedom Riders who continued to pour into Jackson throughout the summer and fill the cells at the state penitentiary. To forestall bloodshed, the Kennedy Administration had been willing to ignore temporarily the *Boynton* decision and accede to state segregationists. On May 29, Attorney General Kennedy petitioned the ICC to promulgate regulations banning interstate bus segregation. The Freedom Rides maintained pressure on the administration and the commission, and finally in late September the ICC issued a decree declaring that by November 1, 1961, interstate as well as intrastate bus carriers and terminals must abandon segregation. By the end of 1961, CORE reported that it had surveyed two hundred bus stations in the South and discovered that most obeyed the ICC regulation. The majority of recalcitrant operators were located in Mississippi and northern Louisiana, but by the end of 1962 legal action had dismantled much of the remaining segregated terminal facilities.[193]

President Kennedy, the Cold War, and African Diplomats

The Cold War concerns that worried the Kennedy Administration during the Freedom Rides carried over into other delicate matters. By the time Kennedy entered the White House, twenty-five former European colonies in Africa had won their independence, and over the next three years an additional eight took their place beside them. For the president who had declared that the United States faced the hour of maximum danger in its struggle with the Soviet Union, winning support from these newly emancipated nations was critical in its diplomatic jousts with the Soviets within organizations such as the United Nations (U.N.). Racial discrimination interfered with the ability of the United States to present its case for democracy and capitalism without appearing to be hypocritical. Secretary of State Dean Rusk frankly admitted: "Stories of racial discrimination in the United States and discriminatory treatment accorded diplomats from the many newly independent countries of the old colonial empires began to undermine our relations with these countries."[194]

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[192] Carl M. Brauer, *John F. Kennedy and the Second Reconstruction* (New York: Columbia University Press, 1977), 107-108; Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2001), 158-162.

[193] Barnes, Journey from Jim Crow, 178.

[194] Dudziak, *Cold War,* 153. See also Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge: Harvard University Press, 2002).

The most vexing problem in this respect concerned the treatment non-white African officials received while traveling along Maryland's Highway 40, which they rode en route from the U.N. in New York City to Washington, D.C. On numerous occasions, the diplomats stopped for a meal at a Maryland restaurant, which denied them service as it did for African Americans. Brought to the attention of President Kennedy, he initially remarked: "Tell these ambassadors I wouldn't think of driving from New York to Washington. Tell them to fly!"[195] Nevertheless, the Kennedy Administration did try to tackle the problem. The Office of Special Protocol Services within the State Department took the unusual step of sending its director, Pedro A. Sanjuan, to testify before the Maryland legislature in support of a public accommodations bill under consideration. Normally, state legislatures did not hear from State Department officials in the course of their duties. However, Sanjuan made it clear that the struggle for racial democracy within Maryland was explicitly linked to the country's ability to conduct the Cold War. "GIVE US THE WEAPONS TO CONDUCT THIS WAR ON HUMAN DIGNITY," [emphasis in original], he insisted, which the battle against communism demanded.[196] Despite initial reluctance, Maryland adopted a public accommodations law in January 1963, thereby assisting American citizens of color and non-white foreigners alike and providing more ammunition for the nation's Cold War propaganda arsenal.

The Southern Christian Leadership Conference and Albany, Georgia

Meanwhile, Cold War imperatives did not have much impact further south in Albany, Georgia, located in the southwestern portion of the state. On November 1, 1961, the day the ICC's desegregation order went into effect, Charles Sherrod and Cordell Reagan of SNCC went to the Trailways bus terminal to see if it had fallen into line. Joined by black students affiliated with the NAACP Youth Council, they entered the waiting room designated for whites only and were told to leave by the police, which they did. Three weeks later, three high school student members of the Youth Council returned to the bus station and were arrested after they refused to leave the segregated area. That same afternoon, two undergraduates from Albany State College, a black institution, were also arrested for disobeying the police order to leave the premises. They had ignored the college dean's pronouncement to avoid trouble and were subsequently suspended. By this time, local black activists had formed the Albany Movement, which convened mass meetings at Mount Zion and Shiloh Baptist Churches. At these gatherings the spirit of freedom rang out as the congregations sang rousing freedom songs, which fired up their courage to persist in protest. Over the next several weeks demonstrations continued and spread to the town's Central Railway Terminal, as an interracial group of freedom riders arrived from Atlanta. The police arrested over five hundred protesters, and Police Chief Laurie Pritchett declared: "We can't tolerate the NAACP or the SNCC or any other nigger organization [taking] over this town."[197] Pritchett, nevertheless, shrewdly tried to avoid the kind of ugly incidents that had accompanied the Freedom Riders in Alabama and cultivated favor with representatives of the news media for seemingly acting with restraint.

With the jails filling up and protests stalled, the head of the Albany Movement, William Anderson, invited Dr. King and the SCLC to intervene. SNCC members, however, had doubts

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[195] Dudziak, *Cold War*, 168.

[196] Ibid., 169.

[197] For the Pritchett quote, Williams, *Eyes on the Prize*, 168; Branch, *Parting the Waters*, 530-532.

about bringing in King. In contrast to SNCC's methodical organizing approach, the SCLC depended upon entering a community and quickly mobilizing its residents to engage in public demonstrations to draw national attention to their plight. SNCC feared that its own careful efforts to develop local leadership would become overshadowed by the powerful presence of the charismatic Dr. King. They fretted that the focus of the protests would be placed upon him rather than on the people who had to live in the community once King and his staff departed. SNCC field workers contended that they would then have to redouble their efforts to build local leadership. They wanted ordinary citizens to believe that they could make their own social change without the direction of a single, powerful, personality. Some SNCC personnel even had begun to refer derisively to the SCLC head as "De Lawd." Nevertheless, there was little that SNCC could do, because the local folks they counted on were the ones who had summoned King in the first place.

Some of SNCC's concerns materialized. On December 15, King gave an inspirational sermon at Shiloh Baptist, and the following day, he along with Anderson and Ralph Abernathy led a march of 250 people to City Hall, where they were arrested. King and his companions refused bail, but they soon agreed to provide bond after the city consented to abide by the ICC ruling. However, once King departed from Albany, municipal authorities cancelled the agreement, preferring to get the civil rights leader to leave town rather than uphold their word. During January 1962, protests resumed accompanied by numerous arrests, as students and SNCC followers demonstrated that transportation facilities remained segregated. A boycott against local buses forced the company out of business in three weeks, but did not bring any integration.[198]

In February, King returned to stand trial on charges stemming from his December arrest; he was found guilty. The judge delayed his sentencing until July, when King and Abernathy received a sentence of forty-five days in jail or payment of a $178 fine. They chose jail. After three days, the SCLC leaders were released as city officials secretly arranged to have their fine paid in hope of once again sending King packing. This time, however, the civil rights leader stayed, and President Kennedy rebuked Albany officials for failing to negotiate with him and his supporters, remarking at a national news conference: "The U.S. government is involved in sitting down at Geneva with the Soviet Union. I can't understand why the . . . city council of Albany . . . can't do the same for American citizens."[199] Despite these sharp presidential words, Pritchett and Albany leaders had outfoxed the movement and taught it a valuable lesson. As long as segregationists reacted to black protest with perceived restraint, they could influence public opinion and keep the White House from interfering in their local affairs. In turn, civil rights activists learned from Albany that they could only mobilize the force of the federal government by creating crises that led to the breakdown of law and order.

Albany was no more inclined to heed the president's wishes than it was to respond positively to peaceful black protests. Demonstrations and arrests continued throughout July without any sign of the city being willing to negotiate in good faith. One especially nasty incident provoked blacks to forego nonviolence and to retaliate. On July 24, Mrs. Slater King, wife of one of the Albany Movement's leaders, appeared at the Camilla jail to bring food for some friends who had been arrested. Pregnant and with two small children in hand, Mrs. King was ordered to leave,

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[198] Williams, *Eyes on the Prize*, 169-170.

[199] Brauer, *John F. Kennedy*, 172.

but before she could respond was pushed to the ground. She subsequently suffered a miscarriage. In protest of Mrs. King's treatment, two thousand blacks marched through downtown Albany. The police tried to head them off and some of the blacks hurled rocks, bricks, and bottles at them. Upset by this breach in nonviolence, Dr. King (who was not related to Slater King) proclaimed a "Day of Penance," and on July 26, he conducted a peaceful prayer vigil at City Hall, which resulted in his and Abernathy's arrest. After spending two weeks in jail, King departed from Albany having failed to achieve his or the movement's specific goals. The city proclaimed victory, closed its parks rather than allow integration, and permitted blacks into its library only after removing all the chairs. Clearly, neither Dr. King nor SNCC had the right tactics to break down segregation that was powerfully and cleverly enforced. Yet some successes simply could not be counted in traditional ways. The demonstrations, William Anderson explained, had transformed Albany blacks and their children and "they would never accept segregated society as it was before."[200] In fact, SNCC organizers such as Charles Sherrod remained in the area and pursued the struggle for equality throughout the decade.

Robert F. Williams and Armed Self Defense

In contrast to Dr. King's commitment to nonviolent protest in Albany, Robert F. Williams offered an alternative in Monroe, North Carolina. A Korean War veteran, Williams headed an NAACP branch in this small town just outside of Charlotte. However, Williams did not subscribe to the philosophy of nonviolence. Instead, he organized a rifle club to defend blacks from assaults by the Ku Klux Klan chapter active in the area. After an all-white jury failed to convict a white man charged with raping a pregnant black woman in 1959, an angry Williams called upon blacks to use self-defense to fight "violence with violence." Although the NAACP suspended him for his remarks, Williams continued to lead the movement against white supremacy under the banner of the Monroe Non-Violent Action Committee.

Amid escalating tensions, in 1961, some SNCC Freedom Riders, including the organization's executive secretary James Forman, joined Williams in a campaign against a segregated swimming pool. The situation turned ugly as white mobs and black demonstrators clashed. Williams tried to promote calm at the same time as he stocked his house with weapons for protection. When a white couple innocently wandered into his neighborhood during the disturbances, he sheltered them and released them unharmed. Nevertheless, North Carolina authorities charged him with kidnapping the couple, and to avoid prosecution and escape what he thought would be an unjust trial, Williams fled the country to live first in Cuba and then China. He remained abroad for the duration of the 1960s, but his call for blacks to arm themselves would gain a warm reception from African Americans increasingly disillusioned with nonviolence as a tactic in the battle for black liberation.201

Birmingham

Notwithstanding the progress to desegregate public transportation and lunch counters, as the experiences in Albany, Georgia and Monroe, North Carolina underscored, by 1963, fierce resistance to racial equality persisted, especially in the Deep South. So far, movement leaders

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[200] For the Anderson quote, Williams, *Eyes on the Prize*, 178; Garrow, *Bearing the Cross*, 208, 211.

[201] Timothy B. Tyson, *Radio Free Dixie: Robert F. Williams and the Origins of Black Power* (Chapel Hill: University of North Carolina Press, 1999), 268-281.

had learned that neither protests nor judicial rulings alone could break the back of Jim Crow. Such a Herculean task required black activists to provoke crises that pressured the federal government to abolish racial apartheid once and for all. Birmingham, Alabama provided the opportunity to orchestrate this scenario.

Known as "Bombingham" because of the numerous explosions ignited by white supremacists to repel black advancement, the city remained completely segregated. For years the Reverend Fred Shuttlesworth, a leader of SCLC, and the ACMHR, an affiliate of the SCLC, had led demonstrations to integrate schools and public accommodations with no success. The pastor of Bethel Baptist Church, the undaunted Shuttlesworth had paid for his activities by enduring personal beatings and the bombing of his house. In 1962, after black students at the city's Miles College had initiated an effective boycott of downtown businesses to protest segregation and job discrimination, merchants agreed to desegregate lunch counters, toilets, and drinking fountains. This proved too much for Public Safety Commissioner Bull Connor, who locked up Shuttlesworth. He also sent municipal inspectors to the stores threatening to close them down for building code violations if they did not retract their pledge to integrate their premises. Consequently, plans to operate these facilities without racial distinctions abruptly ceased.[202]

In 1963, Dr. King and the SCLC launched a new round of demonstrations in the city. After the deadlock in Albany, King looked for another occasion to show that nonviolent resistance could effectively eliminate segregation. King gathered his troops at an SCLC retreat in Dorchester, Georgia, a town originally founded in 1752 by transplanted Puritans from Dorchester, Massachusetts. This time with better planning and greater support from local community groups, the prospects for success rose significantly.

The presence of Bull Connor, who unlike Albany Police Chief Laurie Pritchett did not have a flair for wooing favorable publicity, improved SCLC's chances. Connor was in the midst of a tangled political contest that thrust the situation into confusion. Voters in a 1962 referendum had replaced the city council with a commission form of government, thereby eliminating Connor's position. The following year Connor ran for the newly created mayor's position and lost to Albert Boutwell, a less extreme segregationist than Connor. The defeated candidate then threw the outcome of the election into the courts, claiming that the outgoing commissioners, himself included, still had two years to serve before their term expired. In effect, until the matter was resolved, Birmingham had two governments. White moderates, who had worked to remove Connor, urged King to give Boutwell a chance before leading demonstrations. Having already postponed his campaign until after the election, King decided that African Americans had waited long enough, that Boutwell though less noxious than Connor was still a segregationist, and in early April protests began in earnest.[203]

On April 3, demonstrations began at Britling Cafeteria, Woolworth, Loveman's, Pizitz, Kress, and Lane-Liggett Drugs. Numerous churches of varying denominations opened their doors to

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[202] Williams, *Eyes on the Prize*, 182; Fairclough, *To Redeem*, 112-114; Glenn T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina Press, 1997), 200.

[203] Williams, *Eyes on the Prize*, 182-183; Eskew, *But for Birmingham*, 215-216, 247. Shuttlesworth remarked: "Connor was an undignified Boutwell and Boutwell was a dignified Connor." Eskew, 216. Connor eventually lost his lawsuit.

mass meetings to bolster the morale of the protesters, who faced daily arrest. Congregants at St. Paul Methodist, Thirgood Colored Methodist Episcopal, First Baptist, Sixth Street Baptist, Sixteenth Street Baptist, Fourth Avenue Metropolitan AME, and Seventeenth Street Apostolic Overcoming Holiness Churches heard Dr. King, the Reverend Shuttlesworth, and other black leaders urge them to take to the streets peacefully.[204]

Shortly after the police started to arrest downtown marchers, an Alabama judge enjoined King and more than 130 civil rights activists from participating in demonstrations. From his room in the Gaston Motel, which served as movement headquarters, King resolved to violate the state court order and staged a march on Good Friday, April 12. Arrested and jailed, the civil rights leader spent the next week incarcerated. From his cell he wrote the eloquent "Letter from a Birmingham Jail," which was smuggled outside and published. In it King explained to moderate white clergy why he did not call off the demonstrations to give the new city administration and business leaders more time to negotiate a solution. "For years now I have heard the word 'Wait!'" King complained. "It rings in the ear of every Negro with piercing familiarity. This 'Wait' has almost always meant 'Never!' We must come to see, with one of our distinguished jurists, that 'justice too long delayed is justice denied'." He also poignantly expressed his personal anguish in not being able to find the words to explain to his six-year-old daughter why she "can't go to the public amusement park that has just been advertised on television and see[ing] tears well up in her little eyes."[205]

However, with King and others in jail, the demonstrations lost momentum. As a result, on April 20, King chose to post bail. At the suggestion of one of his top assistants, James Bevel, King made one of the most controversial decisions of his career by recruiting children to march in place of the dwindling number of participants. On May 2, children ranging in age from six to eighteen gathered at the Sixteenth Street Baptist Church, adjacent to downtown, and hit the streets of Birmingham. Connor's troops gave them no more hospitable reception than they did their elders. Snarling police dogs and high-pressure water hoses greeted the young demonstrators and sent them running and tumbling through Kelly Ingram Park, across the street from the church. The adults who accompanied them also went flying into the air and flopped about from the torrents of water hitting them; several were injured including the Reverend Shuttlesworth. The arrests of thousands of youths from the "children's crusade" swelled the jails; so many that Birmingham's state fairground was deployed to hold the overflow.[206]

The publicity surrounding police brutality against the young marchers riveted the attention of a national audience viewing the horrible scene on televised evening news programs. Alarmed by a situation that seemed to be spinning out of control, President Kennedy sent the Assistant Attorney General for Civil Rights, Burke Marshall, to Birmingham to mediate between civil rights leaders and the city's businessmen. Secret negotiations commenced on May 5, while demonstrations continued. On May 8, the so-called Senior Citizens' Committee of white businessmen, led by David Vann and Sidney Smyer, and King and his allies agreed to a deal

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[204] Eskew, *But for Birmingham*, 217, 223, 260-264.

[205] Martin Luther King, Jr., *Why We Can't Wait* (New York: Signet, 2000), 69. Shortly before his incarceration, King had delivered a sermon at St. James Baptist Church that sketched out many of the themes in the "Letter." Fairclough, *To Redeem*, 118.

[206] Eskew, *But for Birmingham*, 265-276.

desegregating "lunch counters, rest rooms, fitting rooms, and drinking fountains in large downtown department and variety stores" as well as the hiring of an unspecified number of black sales clerks. By the end of July, five department stores had integrated their lunch counters, a few black clerks were hired, the city council removed its segregation laws from the books, and the municipal golf course, which Connor had closed, opened to black patronage.[207]

Certainly the victory was not complete. Schools, theatres, hotels, and restaurants remained segregated, and more trouble loomed ahead. On May 11, a bomb ripped through the Gaston Motel, where King had been staying, though the minister was not there at the time. That same evening, white terrorists planted sticks of dynamite that blew away the front portion of the home of the Reverend Alfred Daniel Williams (A. D.) King, Martin's brother. In response, a crowd of blacks assembled at the Gaston Motel and retaliated by throwing rocks and bottles at the police who came to investigate the bomb blast. Fueled by pent-up hostilities after a month of watching peaceful demonstrators mauled and arrested, blacks went on a rampage against white passersby and torched stores in the surrounding area. By the next day, this outburst of angry violence came to an end, as King and black leaders helped restore order. A month later on Sunday, September 12, white vigilantes struck again. A bomb blast ripped through the basement of the Sixteenth Street Baptist Church, killing four young girls and injuring worshippers attending services upstairs. Once again, rioting erupted and before the day was over two more black teenagers had been killed.[208]

1963's Long, Hot Summer

The Birmingham campaign belonged to a larger series of demonstrations against Jim Crow that swept through the South in 1963. On April 24, William Moore, a white mailman and CORE member from Binghamton, New York was shot and killed on a highway in Alabama while on a one-man walk from Chattanooga, Tennessee to Jackson, Mississippi to protest segregation. On May 1, members of CORE and SNCC resumed the march as a memorial to Moore. Members of the group were arrested and placed in jail after refusing bail. However, their action prompted the mobilization of the Gadsden Freedom Movement in the Alabama town where they were detained. Local residents waged a campaign to desegregate buses, hotels, restaurants, parks, and schools. Although devising innovative tactics, such as "snake dances through downtown stores," the movement collapsed in the face of white intransigence and harassment.[209]

Demonstrations in North Carolina produced better results. Protests in Durham and High Point witnessed the arrests of over one thousand demonstrators, but the disruptions convinced local authorities to establish biracial committees that led to the desegregation of most public accommodations. In Greensboro, the site of the birth of the sit-in movement, Jesse Jackson, a student at North Carolina A&T and a disciple of Dr. King, undertook a new round of marches, triggering his arrest. In protest, a thousand blacks gathered in Providence Baptist Church and from there marched downtown and blocked the streets at Jefferson Square in the main business district. The disruption caused by the thousands of participants persuaded business and civic leaders to draw up a list of fifty restaurants, motels, and theatres that would desegregate.

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[207] Fairclough, *To Redeem*, 127-132; Eskew, *But for Birmingham*, 294.

[208] Eskew, But for Birmingham, 321.

[209] Meier and Rudwick, *CORE*, 215-216.

Desegregation, however, would not be completed until the following year with congressional passage of the Civil Rights Act of 1964.[210]

Civil rights proponents compiled a mixed record in Florida. Blacks in Tallahassee, led by CORE sisters Pat and Priscilla Stephens, tried to build upon gains they had made in 1962 in bringing about the desegregation of bus stations, store lunch counters, and restaurant chains such as Howard Johnson's. In May 1963, CORE held a "stand-in" to integrate the State Theatre. Despite a timely mobilization of Florida A&M students, police broke up the demonstrations with hundreds of arrests, and the theatre owners refused to budge.[211] African Americans were more successful in Tampa. In June 1963, Tampa students followed up their successful 1960 sit-ins by picketing two downtown movie theatres that maintained segregation. They sparked the intervention of the city's Biracial Committee, which brokered a settlement to integrate the movie houses. However, as in Greensboro and Tallahassee, black Tampans had to wait until passage of the 1964 Civil Rights Act for final desegregation of most restaurants and hotels.[212]

Like Tampa, in a number of cities local businessmen along with civic leaders sought to avoid violent confrontations that might scare away financial development, and they quietly worked to broker desegregation agreements between black leaders and stores. Although African Americans in such cities engaged in demonstrations and boycotts, they were kept to a minimum, just enough to desegregate lunch counters and other forms of public accommodations. Columbia, South Carolina; Dallas, Texas; Augusta, Georgia; and Memphis, Tennessee mostly followed this pattern. For example, the Deep South city of Columbia had aspirations of being named to *Look* magazine's "All American City" honor roll, and its mayor, Lester L. Bates, established a biracial committee that by the end of the summer of 1963 oversaw the removal of "all signs indicating race and color . . . from water fountains, rest rooms, dressing and fitting rooms."[213] In Augusta, the threat by black protesters to conduct demonstrations during the prestigious Master's Golf Tournament sparked the mayor, Millard Beckum, to pave the way for the desegregation of downtown lunch counters and theatres.[214]

Despite these breakthroughs in a few Deep South cities, as a general rule most of the progress blacks achieved in desegregating public accommodations came in the southern rim states, and the further one moved into the heart of Dixie, the less chance one would encounter facilities available to blacks and whites on an equal basis. Even in locations that did accept some measure of racial integration, the changes were far from finished; their completion awaited strong federal intervention. Jackson, Mississippi was a case in point. The challenge to segregation in public accommodations and employment bias began in late 1962, led by the North Jackson NAACP

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[210] Ibid., 217ff; Chafe, *Civilities and Civil Rights*, 143-147.

[211] Rabby, *Pain and Promise*, 88-96, 140-154.

[212] Lawson, "From Sit-in," 270-271.

[213] Paul S. Lofton, Jr., "Calm and Exemplary: Desegregation in Columbia, South Carolina," in *Southern Businessmen*, 79. The city placed second in the 1962 *Look* poll, 76.

[214] James C. Cobb, "Yesterday's Liberalism: Business Boosters and Civil Rights in Augusta, Georgia," in *Southern Businessmen*, 157. For Dallas, see William Brophy, "Active Acceptance—Active Containment: The Dallas Story," 137-150, and for Memphis, see, Anne Trotter, "The Memphis Business Community and Integration," 282-300, both in *Southern Businessmen*.

Youth Council and its advisor, John R. Salter, a sociology professor at the historically black Tougaloo College. In addition to a planned boycott over Christmas, Salter and four Tougaloo students picketed in front of Woolworth and were arrested. The boycott proved about 60 to 65 percent effective, but neither city officials nor white businessmen chose to negotiate a settlement.[215]

On May 28, 1963, three black students from the college, Pearlena Lewis, Memphis Norman, and Anne Moody joined by two white students from the college, Joan Trumpauer and Lois Chafee, began the next stage of protest against Jim Crow. This time they entered Woolworth and occupied seats at the white's-only lunch counter. Instead of serving them, the waitresses turned off the lights and fled to the back of the store while the students remained seated. Within a short time, a crowd of whites came into the store, taunted the demonstrators and then attacked them physically, knocking them off their stools. Moody described the frightening scene: "The mob started smearing us with ketchup, mustard, sugar, pies, and everything on the counter. Soon Joan and I were joined by John Salter, but the moment he sat down he was hit on the jaw with what appeared to be brass knuckles. Blood gushed from his face and someone threw salt into the open wound."[216]

Police stood by outside and watched without coming to the protesters' aid or arresting their attackers. Nevertheless, the boycott and sit-ins galvanized local blacks to take further action. Using the Pearl Street AME Church and the Farish Street Baptist Church for mass meetings and protest staging areas and the Masonic Temple for nonviolent workshops, thousands of blacks began a series of marches through downtown Jackson. Arrests mounted. Included among the incarcerated was Roy Wilkins, the national director of the NAACP who had journeyed to the besieged city. Wilkins had been skeptical of mass action, although the organization's field representative, Medgar Evers, had worked behind-the-scenes in support of the Jackson movement. Wilkins's participation was as strategic as it was symbolic, for he wanted to find a way to exert control over events, bring demonstrations to a halt, and focus on the less confrontational economic boycott and a voter registration drive. On the evening of June 11, with marches and sit-ins in abeyance, Evers was ambushed, shot, and killed in his driveway by the white terrorist Byron De La Beckwith. Four thousand mourners crowded into the Masonic Temple for his funeral, and a bloody clash between police and blacks after the services was narrowly averted through the timely intercession of Justice Department representative, John Doar.[217]

Fearing the outbreak of massive violence in this highly charged atmosphere, President Kennedy urged Jackson Mayor Allen Thompson to negotiate in good faith and defuse the tense situation. Thompson hammered out a proposal with conservative black leaders who had come to control the movement's Steering Committee, and on June 18 they announced an agreement at a meeting at the Pearl Street AME Church. The offer provided for the hiring of black policemen to patrol black neighborhoods and the promotion of a few blacks in the Sanitation Department. Although the proposed deal completely ignored the desegregation of Jim Crow establishments, a majority

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[215] Dittmer, *Local People*, 158-159; for more on the discrimination in Jackson, see John R. Salter, Jr., *Jackson, Mississippi: An American Chronicle of Struggle and Schism* (Hicksville, N.Y.: Exposition Press, 1979).

[216] Anne Moody, *Coming of Age in Mississippi* (New York: Dell Publishing, 1968), 267.

[217] Dittmer, *Local People*, 161-164; Salter, *Jackson*, *Mississippi,* 159-184; Moody, *Coming of Age,* 269-278

of those assembled in the church voted to accept it as a tribute to Evers and because it had the endorsement of President Kennedy. With this, demonstrations ceased, the boycott petered out, and public accommodations in Jackson remained segregated until passage of the 1964 Civil Rights Act.[218]

The demonstrations that Moody and her young counterparts waged across the South not only left them in jeopardy but also their family as well. Parents were punished for their children's activities with the loss of jobs and the refusal by banks and businesses to extend credit. White Citizens' Councils were particularly active in this respect. Moody's mother, who lived in rural Centerville in southwest Mississippi, wrote her daughter in Jackson that the local "Sheriff had been by telling her that I [Anne] had been messing around with that NAACP group." Mrs. Moody told Anne not to send her any more movement literature: "I don't want that stuff here. I don't want nothing to happen to us here." Intimidation of civil rights workers inflicted deep emotional as well as physical wounds on them in knowing that their protests placed their families in jeopardy from white supremacist reprisals.[219]

The Deep South did not produce the only hot spots that summer. Cambridge, Maryland, on the state's Eastern Shore, was racked by demonstrations against Jim Crow public accommodations, housing, and jobs. The campaign was organized by the Cambridge Nonviolent Group, an affiliate of SNCC, and led by Gloria Richardson, a forty-two-year-old mother and graduate of Howard Law School. Richardson, a dynamic and fiercely independent woman, first tried to negotiate with the city council, which wanted to put her demands up for a citywide vote. She refused to place black civil rights at the mercy of the white-majority electorate. Instead the Cambridge group initiated a series of protests that increasingly generated clashes with police and hostility from whites. Although committed to nonviolence as a tactic, Richardson did not discourage blacks from arming themselves for protection, as Robert F. Williams had urged earlier in North Carolina. Some portrayed the situation as a throwback to the "Wild West." With events spinning out of control, the state governor imposed martial law and called in the National Guard. To avoid another Birmingham, this time in a location very close to Washington, D.C., Attorney General Kennedy invited Richardson and SNCC chairman John Lewis to meet with the Cambridge mayor and a representative of the governor in his office. Kennedy told Lewis: "[T]he young people of SNCC have educated me. You have changed me. Now I understand." On July 23, the parties worked out an accord that created a biracial committee and afforded some measure of desegregation and the promise of low-cost housing for minorities. However, the truce proved temporary. A demonstration led by Richardson against Governor George Wallace of Alabama, who was campaigning for the Democratic nomination for the presidency, turned into mayhem when National Guardsmen repelled protesters by firing noxious tear gas at them. Tensions spilled over into the following year.[220]

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[218] Dittmer, *Local People*, 167-168.

[219] Moody, *Coming of Age*, 261.

[220] Paula Giddings, *Where and When I Enter: The Impact of Black Women on Race and Sex in America* (New York: Bantam Books, 1984), 290-291; Lewis, *Walking with the Wind*, 212-213, for the Kennedy quote.

CIVIL RIGHTS LEGISLATION

President Kennedy and the 1963 Civil Rights Bill

In the meantime, with African Americans taking to the streets throughout the South and with concern for their plight building in the North, President Kennedy called upon Congress and the nation to dismantle segregation once and for all. Besides the cities described above, in the months after Birmingham the South witnessed some eight hundred boycotts, marches, and sit-ins in another two hundred locations, producing an estimated fifteen thousand arrests. As a Justice Department official remarked, Birmingham "convinced the President and [Attorney General] that stronger federal civil rights laws were needed."[221]

With flash points for racial clashes skyrocketing, on June 11, the same evening Medgar Evers was assassinated, President Kennedy in a particularly eloquent televised address to the nation declared: "We face . . . a moral crisis as a country and a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is a time to act in Congress, in your State and local legislative body and, above all, in all of our daily lives."[222] To this end, he announced that he was sending legislation to Congress to extend equal rights to African Americans in public accommodations, schools, and suffrage.

The March on Washington

A coalition of civil rights organizations intended to make certain that Kennedy lived up to his own stirring words. The March on Washington, which A. Philip Randolph originally conceived in 1941, would finally become a reality in the summer of 1963. Randolph was still alive to lead it, and he served as the titular head. He left the day-to-day planning to his chief assistant, Bayard Rustin, a pioneer of the 1947 Journey of Reconciliation and a brilliant strategist of nonviolent direct action protests. Joining them in supervising the march were the heads of the "Big Five" (as they were commonly referred to) civil rights groups: Roy Wilkins of the NAACP, Whitney Young of the National Urban League, Martin Luther King, Jr. of the SCLC, James Farmer of CORE, and John Lewis of SNCC. A sixth leader, Dorothy Height of the National Council of Negro Women participated in the planning, but she operated in the background of this male-dominated, leadership group. The goals of the march were to lobby for passage of the Kennedy civil rights bill directed at eliminating segregation and to press the administration and Congress to support provisions barring employment discrimination and creating job training programs. When the president first heard of the proposed rally, he attempted to persuade its leaders to abandon it, fearing that it would spark violent confrontations in the nation's capital and threaten passage of legislation. Civil rights proponents won Kennedy over by convincing him that such a demonstration would help channel black militancy into disciplined, nonviolent avenues instead of toward retaliatory violence that more radical African Americans were urging.[223]

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[221] Williams, Eyes on the Prize, 198; Sitkoff, The Struggle for Black Equality, 149; Fairclough, To Redeem, 134.

[222] *Public Papers of the Presidents, John F. Kennedy, 1963* (Washington, D.C.: Government Printing Office, 1964), 468-471.

[223] Williams, Eyes on the Prize, 198-199; Garrow, Bearing the Cross, 273-281; Deborah Gray White, Too Heavy A Load: Black Women in Defense of Themselves 1894-1994 (New York: W. W. Norton, 1999), 197.

On August 28, approximately a quarter of a million people, an estimated 190,000 blacks and sixty thousand whites, gathered at the Lincoln Memorial to bear witness for freedom. They heard a round of speeches including a trenchant one by John Lewis. Although the SNCC chairman had toned down his remarks at the request of some white liberals and moderate black allies, he still managed to criticize both political parties for moving too slowly on civil rights, warned that the movement would "splinter the desegregated South into a thousand pieces and put them back together in the image of God and democracy," and concluded: "Wake up, America. Wake up!!! For we cannot stop, and we will not be patient."[224]

However, Dr. King delivered the speech that had the greatest impact on the assembled throng and the millions of people who watched it live on television. What is most remembered is the recitation of King's dream of interracial brotherhood for the present generation of Americans and their children. "All God's children, black men and white men, Jews and gentiles, Protestants and Catholics," he chanted, "will be able to join hands and sing in the words of the old Negro spiritual: 'Free at last. Free at last. Thank God Almighty, we are free at last'." Nevertheless, before reaching this peroration, King warned those in the White House and halls of Congress, in words as forceful though not as strident as Lewis's: "There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of the revolt will continue to shake the foundations of our nation until the bright day of justice emerges."[225] With this remarkable address, the march came to a conclusion and the crowd dispersed peacefully.

Although a triumph in showcasing the interracial and nonviolent dimensions of the civil rights movement, the precise impact the march had on the pending civil rights measure is difficult to gauge. Surely, the spirit of goodwill generated by the march did not persuade southern white authorities voluntarily to abandon Jim Crow. The experience of James Farmer underscores this point. The CORE director did not attend the Washington march because he was stuck in jail in Plaquemine, Louisiana. In mid August, the police had arrested him and CORE's state representative, Ronnie Moore, after they led a demonstration of five hundred people to protest segregation and other racist policies in the town. On September 1, following the release of Farmer, blacks held a mass rally at Plymouth Rock Baptist Church, and while Farmer stayed behind, protesters headed for downtown. They encountered a mob of whites and police who tried to repel the black marchers with tear gas, fire hoses, and electric cattle prods. Rather than retreating and against the wishes of their leaders, some of the blacks fought back by throwing rocks and surging forward. The police had superior firepower and inflicted wounds and injuries on scores of demonstrators, who finally retreated to the church. Hot in pursuit, the police attacked the church building, breaking windows and hurling tear gas canisters inside. Fearing for his life if the police found him, Farmer hid in the parsonage and escaped with several others to a funeral home in the neighborhood where supporters rescued him. They crammed him into the back of a hearse along with Moore and the Reverend Jetson Davis of Plymouth Rock, drove out of town, and fled to New Orleans.[226]

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[224] John Lewis, Walking With the Wind, 224.

[225] "I Have a Dream Speech," in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.*, ed. James M. Washington (New York: Harper Collins, 1986), 218, 220.

[226] Meier and Rudwick, *CORE,* 221-222; Farmer, *Lay Bare*, 246-252.

Congress and the 1963 Bill

While Farmer managed to escape, the Kennedy Administration's civil rights proposal remained ensnared in Congress. The Democrats controlled Congress, but because of the powerful southern bloc within the party, Kennedy's legislative forces needed to attract a large number of Republicans to their cause. This was especially true in the Senate, where a minority composed of southern Democrats and conservative Republicans could wield the weapon of the filibuster to prevent a civil rights bill from moving forward. To shut off debate required a two-thirds majority, a coalition that had to be forged by Democrats in alliance with the GOP. Thus, despite the March on Washington and the favorable impression it had made, the passage of a strong civil rights bill was far from guaranteed.

Congress became the focal point for action with respect to public accommodations because the Supreme Court had declined to decide cases with sweeping rulings that might settle the matter once and for all. From 1957 to 1967, the high tribunal heard sixty-one lawsuits involving some type of challenge against segregated facilities. Most of them came after the 1960 sit-ins and concerned the right of local authorities to arrest protesters on the basis of municipal laws against breach of peace, disorderly conduct, and trespass. Of the sixty-one cases an overwhelming fifty-seven were decided on narrow legal grounds in support of the protesters. Nevertheless, the justices refused to rule that blacks had a constitutional right to use public accommodations that were not government operated or located in the flow of interstate commerce. Instead, the majority of the court appeared to welcome congressional rather than judicial intervention as the most appropriate method to eliminate segregation in this area.[227]

To the extent that this held true, the court got its wish in the bill President Kennedy submitted to Congress on June 19, 1963. The omnibus measure contained eight provisions, including a key one that would dismantle segregation in all places of lodging, restaurants, amusement areas, and other retail and service establishments. The remainder dealt with equal access to voting, extension of federal power to implement school desegregation, the establishment of a Community Relations Service to mediate racial disputes in localities, renewal of the U.S. Civil Rights Commission, withdrawal of federal funds from programs that practiced racial discrimination, and strengthening existing machinery to rectify employment bias practiced by government contractors. Liberal allies of the president were disappointed that the measure did not include the creation of an Equal Employment Opportunity Commission (EEOC), a more potent descendant of the FEPC, and moderate-to-conservative supporters disliked the sweeping coverage of Title II, the public accommodations section. At any rate, on June 26, the omnibus package, HR 7152, went to the House Judiciary Committee headed by Emanuel Celler of Brooklyn, a longtime advocate of civil rights.

Celler fashioned within the committee the strongest possible civil rights bill so that he could have sufficient leeway to bargain for less in negotiations with southern opponents and conservatives. However, Celler played a delicate game. The Kennedy Administration reasoned that it needed the backing of William McCulloch of Ohio, the ranking Republican on the Judiciary Committee and a civil rights proponent in the past, to shape a bipartisan coalition for

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[227] Joel B. Grossman, "A Model for Judicial Policy Analysis: The Supreme Court and the Sit-In Cases," in *Frontiers of Judicial Research*, ed. Joel B. Grossman and Joseph Tanenhaus (New York: John Wiley and Sons, 1969), 405-460.

the bill. McCulloch resided in Piqua, a small town with few blacks, and he favored passage of something closer to the contents of the original Kennedy bill, upon which he had been consulted. Indeed, the White House had won over McCulloch by promising that the administration would not change the bill significantly without first conferring with him and would give the Republicans equal credit with the Democrats for passage of the law. After holding hearings throughout the summer, Celler managed to revise Title II to cover all types of public accommodations such as small retail stores, private schools, law firms, medical associations, and boarding houses over five units. These additions upset both McCulloch and the administration. Hence, on October 15, Attorney General Kennedy met privately with the Judiciary Committee and urged its members to compromise. "What I want is a bill, not an issue," Kennedy argued. Heeding his plea, the committee reached a compromise on Title II that excluded from coverage personal service firms such as barbershops and small places of amusement such as bowling alleys. Furthermore, to gain GOP support, Celler agreed to soften the EEOC provision he had inserted into the bill.[228]

The Kennedy Administration's lawyers had fashioned the public accommodations section in a manner designed to appeal both to Republicans and the Supreme Court. They chose to rely on the Constitution's Commerce Clause rather than on the Fourteenth Amendment as the basis for attacking segregation. Had the drafters of the legislation shaped their reasoning on the Fourteenth Amendment, it might have meant that racial discrimination in any business or profession licensed by the state would be open to coverage. This would clearly offend conservative Republicans who would see this as an argument for even greater regulation of private enterprise by the federal government. Instead, invoking the Commerce Clause, whose scope was limited to interstate transactions, would be a safer bet to satisfy Republicans.[229] Moreover, it would likely satisfy the justices on the high tribunal who had paved the way in striking down segregation when it violated the Commerce Clause rather than the Fourteenth Amendment.

Having overcome the first major hurdle, the managers of the bill had to face an even higher obstacle in the House Rules Committee. Its chairman, Howard Smith of Virginia, a staunch conservative Democrat and segregationist, held the bill captive, refusing even to convene hearings. Not until January 1964 did Smith gavel the committee into session to conduct hearings, but only after fellow members of the body placed intense pressure upon him to do so.

President Johnson and the 1963 Bill

In the interim, the measure had been languishing in the Rules Committee when on November 22, Lee Harvey Oswald assassinated President Kennedy. Kennedy's successor, Vice-President Lyndon B. Johnson, the former Senate Majority Leader from Texas who had engineered passage of two compromise voting rights bills in 1957 and 1960, had become a committed advocate of racial equality and spoke passionately about enacting the Kennedy civil rights bill as a memorial to the slain president. In a private meeting with James Farmer shortly after the assassination, in

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[228] Charles Whalen and Barbara Whalen, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act* (New York: New American Library, 1985), 1-47. The quote is on 45. However, the bill covered barbershops if they were located inside a hotel. Brauer, *John F. Kennedy*, 307.

[229] Richard C. Cortner, Civil Rights and Public Accommodations: The Heart of Atlanta Motel and McClung Cases (Lawrence: University of Kansas Press, 2001), 25-26.

characteristic homespun fashion, Johnson told the CORE leader that he felt committed to eradicating segregation because of the experiences of his black cook, Zephyr Wright. On one occasion, he had asked Mrs. Wright and her husband to transport his dog from Washington to Texas, but she declined and explained that it was tough enough for blacks to travel through the South and find facilities open to them without also having to care for a dog. According to Johnson: "Well, that hurt me. That almost brought me to tears, and I realized how important public accommodations were, and was determined that if I ever had the chance, I was going to do something about it."[230] Over the course of the next seven months, Johnson lived up to his word and applied pressure on congressional leaders in both political parties to stay focused on the bill until it became law.

At the beginning of 1964 the legislative logjam finally broke in the House. Following nine days of hearings, the Rules Committee approved HR 7152 and sent it to the floor of the lower chamber for debate. Supporters turned away southern amendments aimed especially at Title II to weaken the bill, although the House did accept language that prohibited sexual as well as racial discrimination in employment. Congressman Smith had proposed this addition to create opposition to the entire measure from lawmakers who favored racial but not gender equality, but the bill passed nevertheless. On February 10, the House voted 290 to 130 in favor of HR 7152; 152 Democrats and 138 Republicans overwhelmed 96 Democrats (86 from the South) and 34 Republicans (10 from the South).[231]

Notwithstanding this impressive victory, the fate of the bill remained uncertain. Southern senators promised a long filibuster, and with about a third of the sixty-seven Democrats representing the South, the Johnson Administration needed support from twenty-two of thirty-three Republicans to impose cloture and choke off debate. The key to winning sufficient backing from the GOP turned on wooing Everett Dirksen, the minority leader from Pekin, Illinois. The bill's Democratic floor manager, Hubert Humphrey of Minnesota and his Republican counterpart, the liberal Thomas Kuchel of California, courted Dirksen, who as a conservative supporter of business and property rights had reservations about both the public accommodations and equal employment sections. The president and Justice Department officials also worked on the Illinois senator to insert language into the measure that would satisfy him. The administration had public opinion solidly behind it, as a Harris Poll released in February revealed that 68 percent favored the House-passed bill. The Johnson Administration further ratcheted up the pressure on Republicans by bringing Catholic, Protestant, and Jewish clergy as well as prominent businessmen to the White House in support of the legislation. Indeed, on April 19, religious groups began a twenty-four-hour-a-day vigil at the Lincoln Memorial. At the same time, Dr. King warned Humphrey that if a southern filibuster was allowed to weaken the bill, black southerners would militantly "engage in some type of direct action" in the nation's capital.[232]

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[230] For the Johnson quote, Whalen and Whalen, *Longest Debate*, 83-84; Robert Dallek, *Flawed Giant: Lyndon Johnson and His Times, 1961-1973* (New York: Oxford University Press, 1998), 113.

[231] Whalen and Whalen, *Longest Debate*, 100-122.

[232] Ibid., 157-188.

St. Augustine

King and the SCLC had already decided to keep pressure on Congress by spotlighting the burdens of segregation that blacks continued to face throughout the South. They targeted St. Augustine, Florida, the nation's oldest city, which had already begun preparing to celebrate its 400th anniversary the following year in 1965. In many ways the situation in St. Augustine resembled that of Birmingham. A local civil rights movement led by Dr. Robert Hayling, a dentist and militant head of the NAACP chapter, had been mounting demonstrations against the city's iron-clad Jim Crow practices since 1963. Even though the movement had made some progress in desegregating lunch counters at Woolworth, Howard Johnson's, and McCrory's, businessmen and city officials stood united in defense of white supremacy. They openly tolerated the presence of right-wing firebrands such as the Reverend J. B. Stoner of the National States Rights Party, which worked in league with the Ku Klux Klan. These segregationist leaders openly urged whites to take any means necessary to thwart black activism. When King and the SCLC launched marches during the Easter season and into May 1964, white terrorists attacked peaceful demonstrators. The demonstrations gained a good deal of national publicity as white northerners, including the mother of Massachusetts Governor Endicott Peabody, were arrested. During June, SCLC escalated protests by conducting risky night marches through St. Augustine streets, which engendered violence against the participants. White onlookers tossed bottles, rocks, and lit firecrackers at the marchers.[233]

The St. Augustine Movement refused to back down. On June 18, seven SCLC demonstrators jumped into the swimming pool of the segregated Monson Motor Lodge and provoked the ire of its manager, James Brock, who dispersed them by pouring muriatric acid, a cleaning agent, into the pool. The civil rights forces followed this up with a renewed round of marches, sit-ins, and wade-ins at segregated ocean beaches. Though the city's tourist industry had suffered severe losses from the months of protests, business leaders and city officials would not agree to compromise in any significant way. Just before Congress sent the Civil Rights Act to the White House for his signature, President Johnson tapped his friend, Senator George Smathers of Florida, to intercede and work out a solution to the crisis. On June 30, Smathers persuaded Governor Ferris Bryant to go on record in support of the creation of a biracial committee to help negotiate a settlement. This seemed to defuse the conflict for the time being.[234]

As these events unfolded in Florida, back in Washington civil rights proponents observed them closely. The crisis was embarrassing to the administration, as the Soviet newspaper *Izvestia* splashed photographs of the racial clashes on its pages and pointed to the gap between President Johnson's promises and the continued existence of racial violence in the South. In the Senate, Hubert Humphrey alerted his colleagues that they had to act quickly to reinforce moderate civil

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[233] David R. Colburn, *Racial Change and Community Crisis: St. Augustine, Florida, 1877-1980* (New York: Columbia University Press, 1985), 64, and "The Saint Augustine Business Community: Desegregation 1963-1964," in *Southern Businessmen*, 211-226.

[234] Colburn, "Business Community," 227-228, and *Racial Change*, 98-99, 109.

rights leaders such as the NAACP's Roy Wilkins, a Johnson favorite, because "[u]nless this Senate provides a framework of law, then wild men will take over."[235]

Passage of the 1964 Civil Rights Act

To gain Dirksen's approval, Humphrey agreed to a slight modification of Title II, which authorized local governments to try to resolve public accommodations disputes before the federal government filed lawsuits. Moreover, if the Justice Department did so on behalf of any individual, its attorneys had to prove that discrimination resulted from a larger "pattern or practice" of discrimination. Also, civil rights managers acceded to Dirksen's demand for including in the bill's coverage the so-called "Mrs. Murphy" clause, which exempted landlords who rented out five or less rooms in their owner-occupied lodging houses. Nevertheless, these modifications did not materially weaken the public accommodations section. The measure banned discrimination by establishments whose goods or services were connected to the flow of interstate commerce and specifically designated for coverage inns, hotels, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains, gasoline stations, movie houses, theatres, concert halls, sports arenas, and exhibition halls. It also prohibited states and municipalities from enforcing segregation in any type of public accommodation. Because of licensing regulations and police power, the scope of this provision ranged widely.[236]

These efforts proved fruitful in gaining Dirksen's support and that of his GOP troops. On May 19, Dirksen endorsed the bill, and the senator known for his flowery oratory quoted the French author Victor Hugo: "No army is stronger than an idea whose time has come."[237] More valuable as a politician than a poet, on June 10, the minority leader carried over twenty-seven fellow Republicans in joining forty-four Democrats, four more than the necessary sixty-seven, to invoke cloture and silence the more than three-month filibuster waged by the southern opposition. Nine days later, the Senate adopted the administration's civil rights bill by a vote of seventy-three to twenty-seven. One of the six dissenting Republicans was the arch-conservative Barry Goldwater of Arizona, who that fall would run against Lyndon Johnson for the presidency and suffer another resounding defeat. Because of the modifications in the measure, the bill next went back to the House, which overwhelmingly passed it on July 2. President Johnson immediately signed it into law in a momentous White House ceremony in the East Room attended by congressional and civil rights leaders.[238]

Impact of the Civil Rights Law

The legislation to which Johnson inscribed his name provided a powerful weapon to eradicate Jim Crow public accommodations throughout most of the South. It certainly had a salutary and swift effect in St. Augustine, as restaurants and hotels began serving blacks despite a continuing

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[235] Quoted in Timothy N. Thurber, The Politics of Equality: Hubert H. Humphrey and the African-American Freedom Struggle (New York: Columbia University Press, 1999), 139; Colburn, Racial Change, 100.

[236] *U.S. Code*, Title 42, Chapter 21, Subchapter II, Sec. 2000a, at http://www.4.law.cornell.edu/uscode/42/2000a.html, retired.

[237] Whalen and Whalen, *Longest Debate*, 188; Thurber, *The Politics of Equality*, 141.

[238] Whalen and Whalen, *Longest Debate*, 219; Michael R. Beschloss, *Taking Charge: The Johnson White House Tapes, 1963-1964* (New York: Simon & Schuster, 1997), 448-452.

climate of hostility waged by white supremacist groups. Through the forceful efforts of federal judge William Bryan Simpson, attempts of white vigilantes to intimidate businessmen to abandon desegregation failed, thereby assuring enforcement of the 1964 law.[239]

Perhaps the most notorious opposition to implementation of the act came in the antics of Lester Maddox in Georgia. Shortly after passage of the 1964 law, Maddox, the owner of the Pickrick Restaurant, a fried chicken eatery, belligerently pointed a gun at three blacks seeking to dine at the restaurant and chased them away. "I'm not going to integrate," he thundered, "I've made my pledge. They won't ever get any of that chicken." To show that he meant what he said, he wielded a pick ax handle at blacks who persisted in making an attempt to eat at his establishment. He even turned his opposition into a flourishing trade by selling red-painted ax handles as souvenirs for $2 a piece. The patrons Maddox chased away turned to the NAACP Legal Defense Fund to file the first case under the 1964 law. In *Willis v. Pickrick Restaurant*, a three-judge panel upheld the new law. Although Maddox's showmanship did not prevent enforcement of the civil rights law, he did gain a large political following. After Maddox closed his restaurant rather than comply, he won election as governor of the state in 1966.[240]

In some places, especially small town and rural areas, gas stations and other facilities packed away their Jim Crow signs, but still continued their customary practices. For example, even without the printed racial designations, white men were directed to one restroom, white women to another, and black men and women to a third. Furthermore, violence occasionally flared over attempts by blacks to use desegregated facilities. As late as January 1966, in Tuskegee, Alabama, a white gas station attendant shot and killed, Sammy Younge, Jr., a black Navy veteran and member of SNCC, as he attempted to use a "white" toilet. Nevertheless, opposition generally remained scattered, and most facilities fell into line under the new law.[241]

The Supreme Court Upholds the Civil Rights Act

Compliance generally proved to be the case because the U.S. Supreme Court upheld the statute unequivocally. Since *Brown*, the judiciary had issued a series of rulings that prohibited municipal authorities from operating or leasing swimming pools, golf courses, and restaurants that restricted access to African Americans.[242] More than racial discrimination sanctioned by official agencies, the 1964 law focused on privately owned accommodations that catered to the white public but excluded blacks. Since its rulings in the *Civil Rights Cases* of 1883, the Supreme Court had failed to reverse its opinion that the Fourteenth Amendment only permitted congressional action against discrimination in privately owned public accommodations if state action was involved. However, the justices had left unresolved the question of whether Congress

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[239] Colburn, "St. Augustine," 230-231.

[240] Bardolph, *Civil Rights Record*, 511 for quote; *Willis v. Pickrick Restaurant*, 231 F. Supp. 396 (N.D. Ga. 1964). Willis was one of the customers denied service.

[241] Carson, *In Struggle*, 188; Steven F. Lawson, *In Pursuit of Power: Southern Blacks and Electoral Politics, 1965-1962* (New York: Columbia University Press, 1985), 31; for more on Sammy Younge, see James Forman, *Sammy Younge, Jr.* (New York: Grove Publishing, 1968).

[242] Bardolph, Civil Rights Record, 503-506; Dawson v. Mayor and City Council of Baltimore, 220 F. 2d 386 (4th Cir. 1955); Simkins v. City of Greensboro, 149 F. Supp. 562 (M.D. N.C. 1957); Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961).

could enact legislation against Jim Crow public accommodations, under private ownership, by invoking its constitutional power to regulate interstate commerce. In fact, as noted earlier, the framers of the 1964 Civil Rights Act had deliberately crafted the statute along these lines.[243]

Within months of its passage, two attacks against the constitutionality of the public accommodations provision (Title II) of the act ascended before the U.S. Supreme Court, one from a motel owner in Atlanta and the second from for a restaurant in Birmingham. In the *Heart of Atlanta Motel v. United States*, the owner claimed that prohibiting racial segregation in public accommodations exceeded Congress's powers under the Commerce Clause and violated the Fifth Amendment's Due Process Clause and the Thirteenth Amendment as being involuntary servitude. In *Katzenbach v. McClung*, the owner of Ollie's Barbecue, located even farther off the beaten path of interstate travel than was the Pickrick, sued to enjoin enforcing the law. On December 14, 1964, a mere five months after the statute had gone into effect, the justices affirmed the constitutionality of the Civil Rights Act by taking an expansive interpretation of the Commerce Clause and drawing upon a long line of precedents. In the motel case, the Court held that "Congress could regulate both interstate commerce and intrastate activities that affected commerce as part of its "national police power" to legislate against moral wrongs." In the restaurant case, the Court found that even though the restaurant's customers were local, it sold food that had moved across state lines and thus was covered under the act.[244]

For the most part, the Civil Rights Act of 1964, its validation by the Supreme Court, and its enforcement by the Justice Department succeeded in wiping out official segregation in public accommodations. This did not mean that all forms of Jim Crow disappeared entirely. The law had excluded small bowling alleys, bars, taverns, and nightclubs if they did not sell food or the bulk of the products served had not come from outside the state. Private clubs, which offered food and lodging, were explicitly not subject to the law, and many such establishments sprang up and confined membership to whites only. Furthermore, the formal dismantling of Jim Crow did not keep the races from separating themselves voluntarily within public accommodations or wipe out the customary preferences people felt for associating with members of their own race with whom they felt most comfortable.[245]

Overcoming Continued Discrimination

Passage of federal legislation did not necessarily guarantee that it would be enforced at the local level without pressure from the black community. Mississippi, the state that had resisted racial equality most forcefully, did not give in without a challenge. In Greenwood, where SNCC had spent several years organizing, the McGhee family led the way to test compliance with the act. Silas McGhee, a high school senior, and his older brother, Jake, made it a regular practice in the summer of 1964 to go to the previously segregated movie theatre in town. They managed to buy

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[243] Civil Rights Cases, 109 U.S. 3 (1883); Cortner, Civil Rights and Public Accommodations, 3, 26.

[244] Heart of Atlanta Motel v. United States, 379 U.S. 241 (1964); Katzenbach v. McClung, 379 U.S. 294 (1964); Donald G. Nieman, Promises to Keep: African-Americans and the Constitutional Order, 1776 to the Present (New York: Oxford University Press, 1991), 172; Bardolph, Civil Rights Record, 510, 512-514; quoted material from Hall, The Oxford Companion, 369.

[245] The courts took a dim view of these clubs if they served food that had moved interstate or if the clubs advertised in magazines distributed to guests in other motels and restaurants. Bardolph, *Civil Rights Record*, 515; Barnes, *Journey from Jim Crow*, 183.

tickets and get inside, but usually when they emerged they had to face a crowd of whites that taunted them. On July 16, Silas was kidnapped at gunpoint by three men but managed to escape. The Justice Department filed charges against the assailants under the Civil Rights Act, but violence against the McGhees persisted throughout the summer. Silas and Jake were also members of a committee established by the local chapter of the NAACP to test whether public accommodations were open to blacks after passage of the law. At first, businesses in the center of town refused to serve them and were willing to pay the $500 fine for disobeying the 1964 statute. However, when the civil rights activists stepped up their efforts and the fines mounted, most establishments such as the Holiday Inn relented, some converted to private-membership-only clubs, and others went out of business.[246]

In addition, sporadic resistance to integration surfaced years after passage of the landmark law. In 1968, students at Orangeburg State College in South Carolina, protested at a bowling alley that remained segregated and were attacked by police. This confrontation sparked blacks to retaliate by hurling rocks and bottles at passing cars. The situation spun out of control as police and National Guardsmen invaded the campus to restore order. After a student struck a policeman with a banister post, troops opened fire, resulting in the shooting of thirty-three blacks, three of whom died. The federal government subsequently brought criminal charges against nine state police officers for their part in the "Orangeburg Massacre," but they were acquitted.[247]

The Legacy of the 1964 Civil Rights Act

Despite these notable exceptions, since 1964 the desegregation of public accommodations has remained the rule. Sociologist James Button noted that Title II "clearly broadened and deepened the federal commitment to ending segregation in public accommodations. Compliance with the law in the South was relatively prompt and extensive, although acceptance in rural, Old South areas tended to be 'minimal and grudging'."[248]

The 1964 landmark statute was crucial in bringing about this transformation. Yet in comparison to the other provisions of the Civil Rights Act, the enforcement of Title II has generated less contentiousness overall. It has not stirred up questions about racial preferences and quotas as did affirmative action and busing. Nor has it prompted federal bureaucrats to construct formulas for providing racial balance in schools and employment. Even the 1965 Voting Rights Act, which also commanded wide support in eliminating the main barriers disfranchising southern blacks, has produced more lasting controversy. Concerns have arisen as Justice Department attorneys found ways of ensuring the election of a larger number of blacks more in line with their proportion of the electorate. Thus, in contrast to education, the labor force, and suffrage,

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[246] Payne, I've Got the Light of Freedom, 210-213, 319-320.

[247] Carson, *In Struggle*, 250; Cleveland Sellers, *River of No Return: The Autobiography of a Black Militant and the Life and Death of SNCC* (Jackson: University of Mississippi Press, 1990), 206-219; Jack Nelson and Jack Bass, *The Orangeburg Massacre* (New York: World Publishing, 1970), passim. Cleveland Sellers, the program director of SNCC and an Orangeburg native who took part in the demonstrations, was arrested for allegedly attacking a policeman, but never tried.

[248] Quoted in Randall Kennedy, "The Struggle for Racial Equality in Public Accommodations," in *Legacies of the 1964 Civil Rights Act*, ed. Bernard Grofman (Charlottesville: University of Virginia Press, 2000), 159.

desegregation of public accommodations posed less of a challenge to traditional notions of racial equality as defined in terms of individual access as opposed to group preferences.[249]

As the twentieth century came to a close, Randall Kennedy, a Harvard law professor, summed up the impact the 1964 act had on the daily lives of African Americans:

A trip by car between Washington, D.C., and Columbia, S.C., is radically different today than it was thirty-five years ago. Gone is the fear that one might feel the need to use a toilet outside those few areas in which gas station attendants permitted "colored" to use facilities. Gone are signs distinguishing between restrooms for "Negro Women" and "White Ladies." Gone is the sense that the southbound highways out of the District of Columbia constituted a vast no-man's-land to be traveled only after careful planning and still at one's peril. Gone are the overt, assertive banners of Jim Crow pigmentocracy.[250]

After 1964, because of this success and because of changes within the black freedom struggle, integration took on less urgency than in the past. As the civil rights movement transformed into a struggle for Black Power, emphasis shifted from desegregation to the development of black political and economic muscle. African Americans still wanted equal access to good schools, employment, housing, and public accommodations, but they placed a higher priority on gaining the necessary resources to build up their own communities and strengthening the political, social, economic, and cultural institutions inside them. Increasingly, many African Americans rejected the "Melting Pot" version of citizenship, supposedly the heritage of the American ethnic experience. Instead, they embraced a pluralism that allowed them to maintain their black identity and values while at the same time striving to function as all other Americans entitled to all the protections of the Constitution.

For many African Americans, electoral politics replaced protest as the main weapon for achieving racial progress. After passage of the 1965 Voting Rights Act, which finally enfranchised the majority of southern blacks, former civil rights activists such as SNCC's John Lewis, Julian Bond, Charles Sherrod, and Marion Barry together with the SCLC's Andrew Young and Hosea Williams won election to political office. Black mayors came to power in some of the South's largest cities—Atlanta, New Orleans, Charlotte, and Houston—and in former trouble spots such as Birmingham and Selma, Alabama. Once in office, black politicians tackled the lingering problems of institutional racism embedded in centuries of white supremacy.[251]

However, issues related to quality education, adequate housing, decent-paying jobs, and impartial policing of neighborhoods have proved as difficult to resolve as that of overturning a century of Jim Crow restrictions. As a result of the civil rights movement and affirmative action programs the size of the middle class has expanded; nevertheless, widespread poverty and low incomes continued to affect blacks at a disproportionately higher rate than whites. For many

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[249] Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy* (New York: Oxford University Press, 1990), passim; Steven F. Lawson, *In Pursuit of Power*, passim.

[250] Kennedy, "The Struggle for Racial Equality," 161.

[251] Stokely Carmichael and Charles Hamilton, *Black Power* (New York: Random House, 1967), passim; William Julius Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions* (Chicago: University of Chicago Press, 1978), passim.

African Americans it mattered little whether they could eat at a restaurant or stay at a hotel if they did not have the money to pay for the services.[252]

Overall, movements for desegregation that are seen as the property of one ethnic group often have a wider impact that transcends their originating communities. Although the 1964 Civil Rights Act was largely seen as a response to the demands of African Americans during the black civil rights movement, the legislation had a dramatic and beneficial impact on all racial minorities, including Hispanics. These intersecting movements and communities demonstrate that racial segregation influenced the lives of many people across the country. While being local in its impact, segregation was a national problem that took several years and multiple individuals, organizations, and communities to break down. Although the movements often operated within particular regions, the sum of these efforts contributed to the decline of segregation in public accommodations.

As the United States celebrated its bicentennial in 1976, the nation no longer resembled the landscape witnessed by the Founding Fathers. The country had grown enormously in size and shape, its cities had come to predominate over its farms, its population of foreign immigrants had diversified from its original Native American, Meso American, and European origins to include residents from every corner of the world. Its central government had grown enormously in size and power, and its once-tiny military occupied bases throughout the globe. Of all these spectacular changes, none was more profound than the liberation of African slaves and the extension of constitutional rights to them and their descendants. The process was bloody and far from smooth. In fact, African Americans generally experienced little success until the last several decades preceding the 200th anniversary of the nation's creation. Despite the problems in racial and economic inequality that persist, thanks to the post-World War II civil rights movement African Americans will have fewer hurdles to overcome in achieving genuine equality before the nation celebrates its 300th birthday.

[252] Lawson, *Running for Freedom*, 145-180.

HISPANIC

A sign in Dimmitt, Texas, a small wheat town with practically no permanent Spanish-American population, 1949. The sign is meant for the migrant agricultural worker. *Russell Lee's Study of the Spanish-Speaking People of Texas Photo Essay. Courtesy of the Center for American History, The University of Texas at Austin.*

SEGREGATION OF HISPANICS IN THE NINETEENTH CENTURY[1]

Mexicans began the nineteenth century as a people who exercised segregation over groups different from themselves, but by the end of the century they became subject to such policies and practices. During the early period, Spanish elites segregated native people into missions and *rancherias* (settlements) in an area regarded today as the U.S. Southwest. As Mexico won its independence and a more secular order took hold after 1821, Mexican elites (*gente de razón*) continued to segregate Indians and poor mestizos (people thought to be of mixed backgrounds) in separate living quarters, although how this segregation was practiced in public accommodations is unclear. Typically, male ranch owners invested in elaborate fiestas that involved the entire community as a way of affirming their superior position within that society. As well, it was not unusual for an elite to become a *padrino* (godfather) to an Indian or poor mestizo whom he thought of as an inferior. Both practices demonstrate that people of privilege in society valued interaction over separation in dealing with people they saw as their inferiors, and that segregation in public accommodations would have worked against the desired goals of the elite.[2]

Elite Mexican and Indian women within Spanish/Mexican frontier society also experienced a degree of familiarity, although class backgrounds shaped their relationships. For example, according to historian Miroslava Chávez, when the detribalized Indian servant, Ysabel, tried to quit as a house servant for the elite Guadalupe Trujillo and her family, Trujillo slashed Ysabel throat, killing her. Trujillo was found guilty of the crime, however, the courts revoked the initial light sentence of three years of seclusion and ordered her instead to remain near her family at the port of San Diego for just one year. The incident reveals that while women of different status lived together within close quarters, elite Mexican women had significant control over the movement and civil rights of Indian women servants.[3] In cases involving non-Christian, tribal Indians (*gente sin razón)* and people of mixed heritage such as the *genizara/os* in New Mexico who lived on the margins of society, separation was preferred and enforced.[4]

California

The U.S.-Mexican War of 1846-1848 transformed the homelands of all Mexicans, but did not immediately displace them, especially the landowning class. Under the Treaty of Guadalupe Hidalgo that ended the war, Mexican landowning families who chose to remain in the "new" territories of the United States, after one year, became U.S. citizens. Under the treaty, they also had their rights to their land recognized and were generally regarded by law as white. In California, for example, Mexican elected officials participated in the framing of the state

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[1] This Hispanic context was completed by Matt Garcia, assistant professor of ethnic studies and history, University of Oregon.

[2] Douglas Monroy, *Thrown Among Strangers: The Making of Mexican Culture in Frontier California* (Berkeley: University of California Press, 1990), 134-154.

[3] Miroslava Chávez, "'Pongo Mi Demanda': Challenging Patriarchy in Mexican Los Angeles, 1830-1850," in *Over the Edge: Remapping the American West,* ed. Valerie Matsumoto and Blake Allmendinger (Berkeley: University of California Press, 1999), 285-286.

[4] Ramón Gutiérrez, When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846 (Stanford: Stanford University Press, 1991), 112-113, 195-196.

Constitution that denied civil rights to Indians and restricted rights to blacks. These same officials also helped to pass the 1850 Foreign Miners' Tax targeting Chinese and immigrant Mexican and Latin American miners and the 1855 Vagrancy Act that sanctioned the arrest and imprisonment of "idle" Indians and Mexicans of lower-class status. Both of these legislative acts unfairly targeted racial minorities and immigrants, and instilled fear in the hearts of Chinese, Indians, and segments of the Mexican population who could be rounded up for their public appearance and behavior.[5]

During the last half of the nineteenth century, Mexican Americans saw a steady erosion of their political influence and their economic status, and faced threats to their political rights, institutions, and culture. Although some had played a role in the liberation of Texas from the centrist Mexican government of Santa Anna, and had contributed to the stability of state governments in the aftermath of the U.S.-Mexican War, Mexican Americans fell into a period of uncertainty and violence as a result of white acts of aggression and discrimination. Regarded as "half-civilized" and part of a bygone era, Mexican Americans of all classes actively and often painfully adjusted to the cultural environment of their conquerors. Mexican American responses, however, were tempered by two circumstances which, when taken together, made their past distinct from any other ethnic group in the United States. First, whites retained prejudices toward Mexican Americans on racial and cultural grounds. Mexican Americans with dark skin and Indian features had an especially difficult time being accepted within Anglo American culture. Generally, lighter-skinned elites found it easier to assimilate, but even they had to make adjustments to fit in. Second, new immigration from geographically contiguous Mexico continued throughout the nineteenth century and increased dramatically in the twentieth century. This movement of people constantly nourished Mexican culture in the Southwest and helped Mexican people withstand challenges to their existence.

In California, the flood of Anglo American migrants in search of gold and land placed Mexicans at a numerical disadvantage and made them a minority in a short period of time. In the 1840s, there were approximately 10,000 Californios (elite California Mexicans) to 1,000 Anglo Americans and Europeans, but by the 1850s, over 100,000 Anglo Americans and Europeans called California their home. Mexican Americans declined from 82 percent of the population in 1850 to 19 percent in 1880, a demographic shift that produced grave political consequences for them. Californios who held government positions soon after the war had difficulty getting elected by a growing Anglo majority who harbored antipathies towards Mexicans and favored Anglo candidates. Eventually, Californios lost political power, which would not return until the mid-twentieth century.[6]

Mexican Californians fell from their economic perch as well, as drought devastated the cattle-raising rancho culture. Anglo squatters moved into the state, settling on Mexican lands and challenging their land claims. Although Congress established a land commission under the Land Law of 1851 to sort out these conflicts, the act of defending claims tended to be time consuming,

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[5] Tomás Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley: University of California Press, 1994), 35-37, 57, 70.

[6] Richard White, "It's Your Misfortune and None of My Own": A New History of the American West (Norman: University of Oklahoma Press, 1991), 240.

alienating, and costly for Mexican landholders and led to the loss of many acres.[7] Between 1862 and 1864, Mexican rancheros suffered when the rains virtually ceased in southern California. In Los Angeles County seven out of every ten range cattle were lying dead by the end of 1863; possibly 3 million were dead by 1864. The collapse of the ranchos meant dislocation for both the elite Californios and the poorer classes of mestizos and Indians who worked for them. Some of the sons and daughters of once wealthy families married into incoming Anglo American families; others sank into poverty. Only their memories of better times distinguished them from the numerous vaqueros (Mexican cowboys), sheepherders, and skilled rural workers whose jobs vanished with the ranchos. In towns such as Santa Barbara, Los Angeles, and San Diego, Anglo immigrants who gained ownership of the ranchos and Mexican communal lands converted them into farms and orchards. This in turn meant a decline in the demand for the labor of shepherds and vaqueros. Many Mexican Americans tried to maintain their hold on these traditional skilled jobs by seeking work in California's Central Valley, but their attempts only turned them into migrant workers traveling far from home. Some Mexicans in California gave up and moved to Mexico, while others looked for work in the emerging urban economy of the U.S. West.[8]

New Mexico

The experience of Hispanos (Mexicans in New Mexico) differed from those of California only in degree. Although some members of the Hispano elite prospered after the war, most Spanish-speaking New Mexicans struggled to maintain their lands and way of life. The small landholders and communal villagers of northern New Mexico suffered crippling losses, first through the frauds that deprived many villages of their lands and then, more seriously, by the refusal of Congress and the Court of Private Land Claims, established in 1891, to grant them title to their traditional communal holdings. Most villagers managed to retain their small, irrigated plots, but the courts refused to recognize their rights to the *ejidos*, or communal grazing lands, that belonged to the villagers as a whole. As these lands fell into the hands of large cattle companies, the villagers could no longer maintain their own herds. To replace herding in the economy, men began to migrate out of the villages to seek seasonal work in the mines, railroads, ranches, and farms of Colorado and New Mexico. By the early twentieth century whole families were becoming migrant workers.[9]

Tejanos shared elements of both the Californian and the New Mexican experience. Before the war, elite Mexican families between the Nueces and the Rio Grande held the land through a system of derechos, or rights. Under Mexican law families, not individuals, owned these lands. Under U.S. law, however, the lands became subdivided among heirs who could sell them without regard to family claims. Land became a commodity—a thing for sale on the market. Mexican Texans lost control of their land through outright fraud and coercion and because of their reluctance to transform their ranches into capitalist enterprises. Complicating matters, many Tejanos distrusted and in some cases feared the Texas Rangers who used the law to help wealthy Anglo ranchers expropriate the land of their neighbors.

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[7] Albert Camarillo, Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848-1930 (Cambridge: Harvard University Press, 1979), 110-117.

[8] Almaguer, *Racial Fault Lines*, 45-104.

[9] White, "It's Your Misfortune and None of My Own," 240-241.

Mexican Texans and more recent Mexican immigrants remained a substantial majority in South Texas during the last half of the nineteenth century, but they became an increasingly impoverished majority. By the late nineteenth century, when South Texas became a center of large-scale commercial agriculture, Mexican Texans had become a group of unskilled rural laborers.[10]

Accompanying the loss of political and economic security, Mexicans also experienced incidents of racial violence and discrimination before, during, and after the Mexican War. Juan Séguin, for example, fought in the war for Texas Independence, but was eventually run out of Texas by Anglo settlers who refused to recognize his leadership. Following the battle of San Jacinto, Seguín was elected a senator of the new Republic and served several terms as mayor of San Antonio. Then, in 1842, Anglo newcomers chased him from office at gunpoint, seized his land, and forced him to flee to Mexico.[11]

In California, similar acts of intimidation occurred in rural and urban areas. In Northern California, white migrants attacked Chinese, Chileans, Peruvians, and Sonoran (Mexican) miners, and used violence along with the Foreign Miner's Tax to retain exclusive access to goldfields. In the mining town of Downieville, an angry mob of white miners lynched a Mexican woman remembered only as Josefa for the offense of killing a man in self-defense as he entered her bedroom one evening. "Had this woman been an American instead of a Mexican," one newspaper wrote, "instead of being hung for the deed, she would have been lauded for it. It was not her guilt which condemned this unfortunate woman, but her Mexican blood."[12]

In urban Los Angeles, Mexicans were more numerous, but still encountered hostility. White vigilantes often attacked poor Mexicans for committing petty thefts and lynched Mexicans on a regular basis. By the mid-1880s, Los Angeles became the most violent place in the United States, recording a murder a day. Whites called the Mexican barrio of Los Angeles, "Sonoratown," and believed these people to be racially inferior to Anglos. Anglo city officials denied basic civic needs to the Mexican neighborhoods, such as sewage drains and running water, which led to epidemics and sanitation crises. White vigilantes called the main street through the barrio "Nigger Alley," and often carried out public hangings of Mexican and Indian petty criminals to warn others against committing crimes.[13] The violence of downtown and residential discrimination forced many Mexicans to seek sanctuary across the Los Angeles River, and to establish a barrio in unincorporated East Los Angeles. There they lived with newly arrived immigrants from Eastern Europe.[14]

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[10] Arnoldo De León, *Mexican Americans in Texas*, 2nd ed. (Wheeling, Ill.: Harlan Davidson, Inc., 1999), 36-37.

[11] Ibid.; David J. Weber, ed., *Foreigners in Their Native Land: Historical Roots of the Mexican Americans* (Albuquerque: University of New Mexico Press, 1973), 111-113.

[12] Geoffrey C. Ward, *The West: An Illustrated History* (New York: Little, Brown & Company, 1996), 149.

[13] Carey McWilliams, *Southern California Country: An Island in the Land* (New York: Duell, Sloan & Pearce, 1946; reprint, Santa Barbara: Peregrine Smith, 1973), 45, 60-61 (page citations are to the reprint edition); Raúl Homero Villa, *Barrio-Logos: Space and Place in Urban Chicano Literature and Culture*, History, Culture, and Society Series (Austin: University of Texas Press, 2000), 22-23.

[14] Camarillo, Chicanos in a Changing Society, chapter 5.

Some Mexicans chose a confrontational response to the violence through social banditry. For some Mexican Americans, "Bandidos" (bandits) such as Tiburcio Vasquez and Joaquin Murrieta functioned like Mexican "Robin Hoods," allegedly raiding Anglo ranches and wrestling cattle away from these ranch owners to feed the poor and their families. White vigilantes took a special disliking to these individuals and united with some upper class Californios to catch these bandits. For example, a group known as the "El Monte Boys," composed of some Californio elites and Anglo Americans formed to quell such rebellions. The El Monte Boys were led by several former Texas Rangers—a para-state police organization infamous for violent attacks on Mexicans in Texas—who had helped found El Monte as the first separate, all-white township in southern California.[15]

In Texas, many Tejanos came to see both state and local police as agents of oppression. In 1859 in South Texas, a region overwhelmingly Mexican in population, Juan Cortina, a 35-year-old son of a prominent Tejano family shot the sheriff of Brownsville, Bob Spears, for pistol-whipping a drunken vaquero who worked for his mother. Predicting a violent reaction from Anglos, Cortina left town immediately, but within two months, returned with sixty riders. Cortina freed all the Tejano prisoners in the jail, sacked the stores owned by white merchants, and executed four Americans for their part in the murder of Mexican Texans. In time, Cortina's ability to avoid capture by both Texas Rangers and Mexican troops earned him legendary status among many Mexican people living along the border.[16]

Towards the end of the nineteenth century, as whites enacted *de jure* segregation as a backlash to the Thirteenth and Fourteenth Amendments, the question of whether or not Mexicans came under the mandate of these discriminatory laws became salient. Although the government had labeled most Mexicans white, many argued that their Indian ancestry should disqualify them as equals. On the other hand, since Mexicans did not practice a tribal government and thus could not be classified as Indian, their racial status remained at best ambiguous. Evaluating the history of social relations between Mexicans and whites reveals that the white majority often regarded Mexicans as non-white despite laws and treaty agreements that suggested otherwise.

In 1883, the U.S. Supreme Court's landmark decision in the *Civil Rights Cases* upheld the right of business owners to provide segregated service or to deny service based on race, a ruling that extended beyond African Americans to include all racial minorities. In making its decision, the Court majority opined that by allowing racial minorities to be in public places forced whites to interact with them, and therefore infringed upon the civil rights of white people. The Court also ruled that excluding non-whites from public places did not violate their Thirteenth and Fourteenth Amendment rights because it had been a privilege, not a right granted to them to interact with whites before the enforcement of segregation. In its 1896 *Plessy v. Ferguson* ruling, the U.S. Supreme Court legalized all forms of social segregation and gave states the power to determine if any racial minority groups should be segregated. Although not directed at

[15] Weber, Foreigners in Their Native Land, 226-228; Villa, Barrio-Logos, 23; Monroy, Thrown Among Strangers, 209.

[16] De León, Mexican Americans in Texas, 226-228.

Mexicans, the *Plessy* decision reinforced the Mexicans' inferior status by giving states the power to treat them as such.[17]

The conflict between Anglos and Mexicans in the West indicated a shift in the social position of Mexicans after the Mexican War. At mid-century, the Treaty of Guadalupe Hidalgo and the election of Mexican candidates gave some Mexicans reason to believe that they would be accepted as equals to Anglo Americans. However, voting trends, legal and extralegal violence, and discrimination and segregation of Mexicans throughout the region indicated that, although they were "white by law," most Anglos regarded Mexicans as racial inferiors. The hostility and abuse against Mexicans at the close of the nineteenth century set the tone for race relations in the Southwest during the twentieth century.

SEGREGATION OF HISPANICS IN THE TWENTIETH CENTURY

Racial animus in the United States forced many Mexicans into segregated communities and made many potential immigrants think twice about crossing the border during the early years of the twentieth century. The latter began to change after 1911 with the Mexican Revolution when many immigrants came north, seeking work and refuge from the war. World War I also served as a catalyst for immigration since labor shortages occurred when the U.S. military recruited potential Anglo workers for service. U.S. employers, particularly in agricultural sectors, actively encouraged such migration and fought for reduced restrictions on Mexican immigration.

The upsurge in the Mexican population became especially apparent to the general U.S. society after World War I when economic downturns contributed to an upswing in xenophobia and anti-immigrant legislation. According to the U.S. Immigration Service, an estimated 459,000 Mexicans entered the United States between 1921 and 1930, more than double the number for the previous decade. This number almost certainly underrepresents the true amount of immigrants since many Mexicans avoided main border crossings such as El Paso, Texas; Nogales, Arizona; and Calexico, California where they were forced to pay an $8 head tax and a $10 visa fee. Although Mexican immigrants escaped inclusion in the restrictive immigration laws of 1921 and 1924 due to the lobbying efforts of their dependent employers, Mexicans had to endure ugly racist campaigns, especially when "cheap Mexican labor" was blamed for local unemployment or hard times. Additionally, newspapers and some politicians commented endlessly about "The Mexican Problem" of poverty, crime, illiteracy, and rates of disease without criticizing the low wages and exploitive conditions provided by employers or the segregation and discrimination commonly practiced against them in U.S. society.[18] The pressure to deal with "the problem" became so intense by the 1930s that a repatriation and deportation drive conducted by government officials sent 500,000 Mexican and Mexican Americans to

[17] Martha Menchaca, Recovering History, Constructing Race: The Indian, Black and White Roots of Mexican Americans (Austin: University of Texas Press, 2001), 286; Civil Rights Cases, 109 U.S. 3 (1883); Plessy v. Ferguson, 163 U.S. 537 (1896).

[18] Carey McWilliams, *North from Mexico: The Spanish-Speaking People of the United States* (New York: Praeger, 1948, reprint 1990), 188-191.

Mexico. For the many Mexicans that remained in the United States, continued harassment and discrimination characterized their experience during this decade of betrayal.[19]

Segregation and the struggle to end it grew significantly between 1920 and 1940, particularly in the Southwest. Although it would take the crisis of World War II to mobilize interethnic coalitions and change the minds of mainstream society, Mexicans began to combat these practices virtually on their own during the 1920s and 1930s. These battles took place throughout the Southwest, including California, Arizona, Colorado, New Mexico, and Texas, although the historiography covering desegregation of public accommodations primarily favors California and Texas.

South/Southeast

While Jim Crow existed in the South and sections of the Midwest, its primary focus was to separate blacks from whites. For those Hispanics with apparent African features such as Puerto Ricans, Cubans, and other Latin American immigrants to this region, legal segregation applied to them as well. Although the record is subsumed in larger histories of institutions and the African American civil rights movement, incidents involving Hispanics have emerged in the historical record.

Historian Nancy Hewitt has documented the segregated world of Tampa, Florida, in which Afro-Cubans frequently experienced segregation. According to Hewitt, the process of segregating "white" and "black" Latinos was a complicated and imperfect process that took time and never quite drew the color line clearly. Because Cubans ranged from the very "dusky" to "white," often some escaped Jim Crow. As well, owners of cigar-rolling factories that employed several Cubans placed profit over social engineering, and avoided confronting workers by maintaining racially integrated shop floors. Outside the plants, however, segregation in mutual aid societies and ethnic clubs reinforced the separateness of Afro-Cuban identity, and laid the foundations for interethnic collaboration among Caribbean and U.S.-born blacks.[20]

In Ybor City, the Latin section of Tampa, city officials enforced segregation of dark-skinned Cubans in theaters, churches, and schools as well as mutual aid societies. The regulations, rather than generating a mass movement among all Cubans, accentuated the class divisions within the community since it became easier for Anglos to categorize affluent Cubans as white and Spanish and working-class Afro-Cubans as Latin and "dusky." Consequently, Cubans became a community divided along both color and class lines similar to the larger society.

Afro-Cubans and African Americans resented the segregation of public facilities such as streetcars in Tampa. In 1905, Tampa angered African American and Afro-Cuban patrons by extending Jim Crow to public transportation. An initial boycott of the Tampa Electric Company (TECO) streetcars was short-lived, and no concerted action by Latin and black patrons disrupted public transportation in Tampa. According to Hewitt, the threat from a large and militant Cuban population may have forced TECO to be more flexible in its application of Jim Crow in their

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[19] Francisco Balderrama and Raymond Rodríguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995).

[20] Nancy A. Hewitt, Southern Discomfort: Women's Activism in Tampa, Florida, 1880s-1920s, Women in American History (Urbana: University of Illinois Press, 2001), 124.

cars, which lessened the sting of Jim Crow for blacks as well as Cubans. Additionally, "Latins," writes Hewitt, "seemed willing to abide by segregation in public accommodations in downtown Tampa, Ybor City, and West Tampa, as long as they could ignore the color line on shop floors and in union halls." Consequently, African Americans, particularly women traveling to and from work as domestic servants, engaged in spontaneous and individual protests against abusive white streetcar conductors.[21]

Ironically, when elite Latin civic leaders did challenge Jim Crow, they did so in the defense of their whiteness. In August 1915, the owners of a popular St. Petersburg beach and resort, Passe-á-Grille, posted a sign reading "No Cubans Allowed." The segregation angered the Cuban consul in Tampa, Ralph M. Ybor, who first complained to local authorities, and then took his case to Washington, D.C. Ybor drew on Reconstruction-era legislation by claiming that the Constitution protected Cubans from segregation based on race or color even though Cubans themselves had discriminated against blacks and dark-skinned Latins in Cuban-owned businesses in Florida. Ybor eventually won his suit, and the offending sign was removed.[22]

Southern California

Scholar/activist Carey McWilliams documented the pervasive segregation Mexican people experienced in southern California during the first half of the twentieth century. Evoking the segregated "Jim Crow" conditions of blacks in the U.S. South, McWilliams labeled the living quarters of Mexicans "jim-towns." "From Santa Barbara to San Diego," he wrote, "one can find these jim-towns, with their clusters of bizarre shacks, usually located in an out-of-the-way place on the outskirts of an established citrus-belt town."[23] White city officials encouraged Mexican families to live outside of white settlements separated by either train tracks or highways, thus giving rise to the popular expression that Mexicans lived on the "other side of the tracks."

The strict separation of Mexicans and whites carried over into public spaces in downtown commercial districts. According to McWilliams, "While the towns deny that they practice segregation, nevertheless, segregation is the rule."[24] In addition to placing Mexican children in separate schools, city officials restricted Mexican use of swimming pools to either a "Mexican Day" or "International Day," which fell on the day of cleaning or the day before. Additionally, McWilliams observed, "[Mexicans] occupy the balcony seats in motion-picture theaters, and frequent separate places of amusement." Indeed, McWilliams found the segregation so thorough that he characterized the system as "perfectly designed to insulate workers from employers in every walk of life, from the cradle to the grave, from the church to the saloon."[25] These

[21] Ibid., 147.

[22] Ibid., 218-219.

[23] McWilliams, Southern California Country, 218.

[24] Ibid., 218-219.

[25] Ibid., 219.

conditions predominated in other agricultural regions of the Southwest, including Colorado where Mexican beet workers were routinely denied service at restaurants.[26]

In the regions of southern California where Mexicans served as the primary, but not exclusive group harvesting citrus, white ranch owners segregated Mexican, Asian, and white workers. For example, prior to the 1920s in the citrus town of Upland, citrus growers employed Mexican, Japanese, and Sikh workers. According to one former Mexican worker, Baudelio Sandoval, local rancher Godfrey Andreas segregated employees by race in residential camps: Japanese lived in a camp on 18th Street, Mexicans on 17th Street, and Sikhs (commonly misnamed "Hindu") on 14th Street. Outside of the camps, Mexican, Asian, and Sikh laborers found their civil rights and basic movements restricted by white city officials and business owners. In Upland, racial minorities were restricted from shopping anywhere but the market owned by Andreas's friend, Mr. Klindt, and many storeowners posted signs reading "Just-White-Trade-Only." Residents of Upland and Ontario traveled by trolley from the citrus-heights down to the town center. As the trolley moved down the hill, Japanese at 18th Street, Mexicans at 17th Street, and Sikhs at 14th Street could catch a ride in specially segregated cars monitored by local police. Andreas instructed officers to let his workers out at only two places: either the downtown stop near Klindt's store, or their designated residential camps. After making their purchases, police and shopkeepers escorted Mexican, Japanese, and Sikh patrons back to the trolley and transported them directly to their respective camps. In neighboring citrus towns such as Ontario and LaVerne, Mexican residents remember that they shopped with fewer restrictions, but many recalled being peppered by white residents with racial epithets like "dirty greasers" and "spik." Former citrus worker Nick Fuentes recalled that in LaVerne, prior to World War II, Mexicans were expected to step off the sidewalk and into the street when whites approached.[27]

Segregation was also sometimes enforced through intimidation. During the 1920s, in southern California towns from Santa Paula in Ventura County to Ontario in San Bernardino County, Ku Klux Klan orders publicly asserted their vision of segregated society. Citrus belt Klaverns (Ku Klux Klan orders) often held high profile, public ceremonies (called Klonklaves) and parades in which klanspeople burned crosses and prominently displayed placards reading "White Supremacy." At a Klonklave in Ontario, California on September 8, 1924, the Klan initiated 150 new candidates to the local order. According to the newspaper reports, "Mounted klansmen, and several platoons of robed men and women" funneled into the local high school football stadium where a "huge fiery cross . . . visible from Upland to Ontario's business district" blazed until the midnight hour.[28]

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[26] Sarah Deutsch, *No Separate Refuge: Culture, Class, and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940* (New York: Oxford University Press, 1987), 155. Deutsch writes: "At least one Chicano in Weld County filed a civil rights case in 1927 against Greeley restaurant proprietors who ejected him on the grounds that he was a Mexican."

[27] Matt Garcia, A World of Its Own: Race, Labor, and Citrus in the Making of Greater Los Angeles, 1900-1970 (Chapel Hill: The University of North Carolina Press, 2001), 51-52.

[28] "Klan Initiates 150 Candidates," *Daily Report*. September 9, 1924, in Garcia, *A World of Its Own*, 76; Martha Menchaca, *The Mexican Outsiders: A Community History of Marginalization and Discrimination in California* (Austin: University of Texas Press, 1995), 51-58; Martha Menchaca, *Recovering History, Constructing Race: The Indian, Black and White Roots of Mexican Americans* (Austin: University of Texas Press, 2001), 287-288.

"New" Klan scholars have argued that the Klan of the 1920s did not bother ethnoracial minorities and concentrated most of their attention on enforcing temperance laws.[29] The goal of sobriety and social control of Mexican residents, however, were not mutually exclusive. Mexican distillers in their segregated communities (*colonias*) ran cantinas like "the salon" in Arbol Verde where Mexican men and an occasional white patron purchased home-brewed alcohol and hard liquor. This informal economy became an important source of survival for some unemployed men and single mothers who could support their families on their profits. In the Mexican *colonia* in La Verne, for example, resident Nick Fuentes remembered drinking *pulque*, syrupy Mexican liquor, at the local pool hall. Separated from the white community, Mexican business owners could violate temperance laws with relative impunity, but this provoked acts of vigilantism by the local Klan.

According to one Mexican American eyewitness, the Klan in Ontario used intimidation to enforce residential segregation. Local resident Victor Murillo Ruiz remembered that in 1929 his father inquired about buying a house located outside the traditional Mexican colonia. When a white neighbor heard of his plans, he threatened Ruiz's brother, "If you're thinking of buying that house, you tell your dad he may buy it, but that house is going to be burned down the next day." Later, Ruiz recalled, the Klan terrorized his family: "I looked through the windows and I saw three cars with people with white hoods in them. . . . I can remember three men standing on the running board [holding on to] the car. . . . The people on the outside had torches. . . . I would look at them and hide; I thought they were ghosts. My mother . . . pulled me away from the window. She said, "Don't do that. Those people don't like for you to look at them." Ultimately, the Ruiz family chose not to purchase the house.[30]

Typically, citrus belt Klan orders of the 1920s committed few if any acts of physical violence. Instead, most Klaverns relied on intimidation through impressive public parades and drive-by threats like the one experienced by the Ruiz family. Public Klan rituals and night-riding had a tremendous psychological impact on participants, viewers, and victims. For whites, Klan rallies affirmed a general belief in White Anglo-Saxon Protestant (WASP) exceptionalism. For those who fell outside the fold of Klan beliefs, namely Mexicans, Jews, and Catholics, parades and psychological terror warned against challenging the social order. The popularity of the Klan represented the most extreme example of white supremacy in southern California.[31]

Texas

Historian David Montejano documents similar forms of discrimination in Texas. Labeling the period spanning from 1920 to 1940 an era of segregation, Montejano argues that three fundamental forces drove the separation of Mexicans and whites (or "Anglos") in Texas. First, Anglo farmers' needs for an organized and disciplined labor force drove them to exercise violence, coercion, and legal power over Mexicans, whom they saw as inferior, foreign and/or a defeated people. Second, in contrast to the master-servant bond of plantations in the South, the temporary impersonal contracts signed between Mexican workers and Anglo employers meant that relations between the two were generally anonymous, formal affairs. In short, Anglos

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[29] Shawn Lay, ed., *The Invisible Empire in the West* (Urbana: University of Illinois Press, 1992), 9.

[30] Victor Murillo Ruiz, interviewed by Robert Collins, June 16, 1978, in Garcia, *A World of Its Own*, 76.

[31] Garcia, *A World of Its Own*, 76-77.

rubbed shoulders with Mexicans only at the point of production. Finally, the popularity of "race-thinking" informed many Anglos' opinions of Mexicans. Chicano historian Neil Foley argues that popular ideas and "scientific" theories of white superiority among white Texans helped determine all forms of segregation in Texas during this period.[32]

Mexican Texans suffered the same types of indignities as many Mexicans living in California during this period. The significant presence of African Americans in Texas, however, added yet another tier to this racial hierarchy. For example, in the Texas county of San Patricio, the owners of the Taft Ranch constructed a hospital in 1910 with separate structures for "Anglo-Americans, Latin Americans, and Negroes." At Christmas time, each group received handouts of candy, but each group collected their gifts in separate places. Along the coastal plains in Kingsville, while Mexicans worked on Anglo ranches, ranch owners constructed separate townships for Mexicans and Anglos. Segregated living places often translated into segregated shopping districts. For example, in South Texas towns like Kleberg, McAllen, and Weslaco, Mexicans were restricted to shopping in "their own dry goods stores, grocery stores, meat markets, tailor shops and a number of other shops and businesses."[33]

In counties where Mexicans and Anglos came into social contact more frequently, rules of social etiquette enforced notions of Anglo superiority. In Winter Gardens, Texas, Anglos expected Mexicans to maintain "a deferential body posture and respectful voice tone" whenever in the presence of Anglos, while drugstores, restaurants, retail stores, and banks routinely served Mexicans only after catering to Anglo patrons first. Drawn from economist Paul Taylor's 1930 study of Mexican laborers in South Texas, David Montejano offered the following description of the segregated world of Winter Gardens, Texas: "Public buildings were seen as 'Anglo territories;' Mexican women were 'only supposed to shop on the Anglo side of town on Saturdays, preferably during the early hours when Anglos were not shopping;' Mexicans were allowed only counter and carry-out service at Anglo cafés; and all Mexicans were expected to be back in Mexican town by sunset." Similar to the conditions in many California towns, Taylor found the segregation to be so complete that, in effect, "there was an Anglo world and a Mexicano world" that met only when they entered the "dusty fields" to work.[34]

By the 1930s and 1940s, people of Mexican origin were legally excluded from public facilities reserved for whites more as a matter of habit than of law throughout the Southwest, though courts occasionally weighed in to legally reinforce discrimination against Mexicans. In *Lueras v. Town of Lafayette* and *Terrell Wells Swimming Pool v. Rodríguez* the courts determined, in 1937 and 1944 respectively, that Mexicans were not white and therefore not entitled to use public facilities. Although the two Mexicans in the cases argued that they were of Spanish descent, their dark skin indicated that they were racially mixed, and thus they lost the trials. According to anthropologist Martha Menchaca, "in Texas a study conducted by the Inter-American Committee in 1943 found that over 117 towns in Texas practiced social segregation against Mexicans and most passed *de jure* segregation laws." While technically Mexicans were

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[32] Neil Foley, The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture (Berkeley: University of California Press, 1997); David Montejano, Anglos and Mexicans in the Making of Texas, 1836-1986 (Austin: University of Texas Press, 1987), 160-161.

[33] Montejano, *Anglos and Mexicans*, 167.

[34] Ibid., 168.

not singled out as a non-white minority, the act of identifying them as "Indian" and therefore non-white made them subject to such systematic discrimination.[35] As a result, Mexicans were forced to use separate bathrooms and drinking fountains and sit in separate sections of restaurants and theaters.

These conditions, however, did not go unchallenged. In the period leading up to and through World War II, Mexican Americans, collectively and individually, challenged segregation in a variety of ways. Occasionally they put diplomatic pressure on municipal, state, and federal government through established organizations within Mexican American communities and coalition politics with sympathetic whites. The courts also became an avenue for contesting discriminatory treatment. In most cases, Mexican Americans organized local and regional boycotts and protest movements and attempted to mobilize public sentiment against segregation through the local media.

HISPANIC MOVEMENTS FOR DESEGREGATION OF PUBLIC CCOMMODATIONS

In the years leading up to World War II, some Mexican Americans took a stand against all forms of segregation and discrimination, though they varied in their political ideologies and approaches. This burgeoning sense of activism stemmed from a few sources including *mutualistas* (mutual aid societies), the labor movement, an emerging middle class, and the military. Mexican Americans developed a concept of themselves as people deserving of civil rights by drawing on cultures of resistance and traditions that came from Mexico as well as those forged in dialogue with U.S. society.

In Arizona, for example, two major Mexican organizations, Alianza Hispano Americana (Hispanic American Alliance) and the Liga Protectora Latina (Latin Protective League) consciously avoided associations with Mexico in their titles and strove for acceptance in the United States. During World War I, the Liga fought xenophobic campaigns in Arizona that sought to prohibit Mexicans from working in the mines. Liga emphasized Mexicans' contributions to Arizona's development and argued that they had been there since the founding of the state. In San Antonio, Texas, Luz Sáenz, a teacher and World War I veteran, joined with other mainly U.S.-born *veteranos* to form the Order of Sons of America (OSA), an organization that encouraged recent Mexican immigrants to naturalize and participate in U.S. institutions. OSA worked alongside another middle class organization, Pan American Round Table, which attracted Mexican American and Anglo businessmen. This San Antonio-based organization embraced a politics of assimilation as well by promoting a positive "Hispanic-American" image and fighting "anti-Latin American" attitudes that accompanied downturns in the U.S. economy.[36]

In Colorado, a growing sense of "us-versus-them" led to the formation of similar organizations in the 1920s. For example, Mexican American veterans of World War I formed a local branch of the American Legion in Greeley, Colorado to fight discrimination in public businesses and voting. According to historian Sarah Deutsch, the community came together for a boycott of

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[35] Martha Menchaca, Recovering History, Constructing Race: The Indian, Black and White Roots of Mexican Americans (Austin: University of Texas Press, 2001), 287; Lueras v. Town of Lafayette, 100 Colo 124, 65 P.2d 1431 (1937); Terrell Wells Swimming Pool v. Rodríguez, 182 SW 2d 824 (Texas Civ. App., 1944).

[36] F. Arturo Rosales, Chicano! The History of the Mexican American Civil Rights Movement (Houston: Arte Público Press, 1997), 90-91.

shops in Greeley and Johnsontown that displayed signs restricting Mexican patrons. These collective actions increased the confidence of Mexican residents and led to the establishment of *mutualistas* in nearby mining towns. Similarly, though the Denver community tended to be transient early on, by the late 1920s Mexican residents formed *mutualistas* for defense against social injustice in all public affairs.[37]

Frequently, a culture of resistance grew out of Mexican immigrants' survival of the Mexican Revolution and immigration as well as their lives as workers in Mexico and the United States. Historian Devra Weber argues that many Mexican immigrants came to the United States prepared to fight for their rights because many had struggled against state oppression as either peasant farmers or industrial workers in Mexico prior to their arrival. For example, while mutual aid societies formed by many immigrant groups occasionally engaged in political work in the United States, Mexican *mutualistas* constituted the "only legal arena for labor organization" in Mexico. Thus Mexican immigrants who organized similar organizations in the United States often thought of these institutions not only as social networks, but political ones as well. According to Weber, the ideology of these groups ranged from anarchism to cooperativism. During the strikes in California agriculture in the 1930s, these organizations served as support networks for activism against exploitative employers.[38]

The labor struggles of the 1930s produced a resilient and dedicated cadre of Leftist Mexican Americans. A group known as El Congreso de Pueblos de Habla Española (the Congress of Spanish-Speaking Peoples, or "El Congreso") best exemplifies the confluence of labor politics and civil rights organizing in this period. Organized in 1938 by a coalition of Mexican American and Mexican labor and community activists, the congress dealt with a range of issues affecting U.S. Hispanics including immigration, civil and political rights, and the general status of the Mexican-descent minority of the United States. Luisa Moreno, a Guatemalan expatriate and veteran labor organizer, was one of the primary organizers of this group. The organization also served as the primary training ground for future Mexican American Civil Rights leaders such as Josefina Fierro de Bright, Ed Quevedo, and Bert Corona.[39]

Attracting nearly 1,000 delegates representing 128 Hispanic-oriented organizations from across the United States and Mexico, the First National Congress of Spanish-Speaking Peoples met in Los Angeles on April 28-30, 1939. According to the agenda printed by the congress organizers, the most pressing issues facing the conference were education, housing and health, discrimination and segregation, and the complex issues involved in citizenship and naturalization. The platform broke new ground in a number of areas, but the group's most important contribution was its insistence that all Spanish-speaking people—citizens and aliens alike—work together to better their conditions as residents of the United States. The congress attracted the support of a broad range of Mexican Americans and non-Mexican Americans in

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[37] Sarah Deutsch, No Separate Refuge: Culture, Class, and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940 (New York: Oxford University Press, 1987), 154-156.

[38] Devra Weber, *Dark Sweat, White Gold: California Farm Workers, Cotton, and the New Deal* (Berkeley: University of California Press, 1994), 83-85; see also, Emilio Zamora, *The World of the Mexican Worker in Texas* (College Station: Texas A&M University Press, 1993).

[39] Vicki Ruiz, From Out of the Shadows: Mexican Women in Twentieth-Century America (New York: Oxford University Press, 1998), 94-95.

their civil rights and advocacy efforts. They included Hollywood actors such as Orson Welles, Anthony Quinn, and Rita Hayworth, as well as many influential, liberal California politicians.

El Congreso advocated civil rights not by asking Mexican Americans to conform to American attitudes regarding Mexicans, but rather, challenging Americans to live up to the high democratic standards and principles they claimed to venerate. Departing from the cultural prescriptions of assimilation and Americanization, the congress demanded the recognition of a bilingual-bicultural society. The congress passed a resolution stating, "[the] cultural heritage of the Spanish-speaking people is part of the common heritage of the American people as a whole and should be preserved and extended for the common benefit of all the American people." To support the continuation of Mexican/Latin American traditions in the United States, El Congreso called for "the preservation of the language and cultural heritage of the Spanish-speaking people by obtaining for Spanish recognition and official status alongside . . . English in locations where the Spanish-speaking people constitute an important group, and educational facilities in both languages [as part of] an immediate campaign to wipe out illiteracy."[40]

World War II, however, disrupted the agenda of El Congreso, since both Communist party and union leaders (both influences in the organization) opted for playing down civil rights activity in order to promote wartime unity. Despite a few rhetorical attempts to continue the campaign in this new context, enthusiasm for the struggle against fascism overran arguments for continued pressure on questions of civil rights. Moreover, El Congreso's membership declined when many key members were inducted into the armed forces. Meanwhile, other organizations competed for the time and commitment of those that remained. Increasingly, congress members battled for the rights of Mexicans in other venues. Ironically, much of this work would mark the remaining membership of El Congreso with the "un-American" label, and a few, like Luisa Moreno, were either deported or encouraged to leave the country.[41]

Although World War II derailed El Congreso, it served as a catalyst for change for many other Mexican Americans. The Zoot Suit Riots of 1942 in Los Angeles, in which mostly Anglo sailors invaded public businesses to attack Mexican American youths dressed in long coats and baggy pants, revealed the underlying prejudice towards people of Mexican descent in the United States during this period. As well, Mexican soldiers occasionally experienced the sting of racism. It was not uncommon for servicemen traveling between military training facilities in the Southwest to encounter signs at restaurants—particularly in Texas—that read: "We don't serve dogs or Mexicans." While many Mexican Americans quietly walked out, Fred Castro, a soldier born in La Verne and four fellow soldiers reacted by breaking everything in the restaurant.[42] More often Mexican Americans took a less violent approach by engaging in radical journalism and organizing community groups and public protests to challenge segregation prior to and throughout the war years.

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[40] Mario T. García, Mexican Americans: Leadership, Ideology, and Identity, 1930-1960 (New Haven: Yale University Press, 1989), 145-174; David Gutiérrez, Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity (Berkeley: University of California Press, 1995), 107-116.

[41] Gutiérrez, *Walls and Mirrors*, 114-116.

[42] "History of WWII Gets the Latino Perspective," May 27, 2002, *Los Angeles Times*, Metro, Part 2, 1.

Southern California

World War II had a significant effect on Mexican American consciousness about their civil rights and their relationship with whites. As many Chicano scholars have noted, the war against fascism raised the consciousness of many Americans concerning discrimination and prejudice on the home front, and motivated many minorities, including Mexican Americans, to engage in civil rights struggles. For Mexican American soldiers who fought alongside whites, the feelings of camaraderie for some created the belief that the racial divide could be overcome. This heightened consciousness complemented a shift among a new "second" generation of Mexican Americans before the war who had already begun to question their subordinate position within society. This sense of entitlement to equal treatment generated by a youth movement and World War II led to movements for desegregation.[43]

Such a movement developed in the citrus suburbs of southern California. The movement began largely through the attention brought to bear on segregation in the pages of a local Spanish-language newspaper *El Espectador*. Begun in 1933 by journalist and community organizer Ignacio Lutero López, the newspaper evolved from a source of community information to a lightening rod for action. Translated as "the spectator" or "the witness," *El Espectador* gravitated toward the latter as López increasingly committed himself to reporting violations of Mexican American civil rights in addition to the news of community gatherings and social events in and around the Pomona Valley, east of Los Angeles.

From 1937 to its final publication in 1961, López and his colleagues pursued a civil rights agenda in *El Espectador.* A friend and fellow Mexican American journalist, Eugenio "ENO" Nogueras, provided López helpful advice on how to improve *El Espectador.* Nogueras published his own Spanish-language newspaper *El Sol* in San Bernardino, and occasionally wrote guest editorials concerning Mexican American civil rights for *El Espectador* under the heading "Sol y Sombra" (Sunshine and Shadow). In 1938, Beatriz and Ignacio López employed a local Mexican American lawyer, José M. Ibañez, to write a column entitled "La Ley" (The Law), in which he gave professional advice on legal battles common to most Mexican American residents. These changes instituted a more aggressive political agenda for *El Espectador* that López characterized as "not a combative newspaper," but one that "is vigilant about reason and justice."[44]

Discrimination against Mexicans in public facilities represented one of the most objectionable forms of prejudice challenged by López and the newspaper. Stories of businesses that practiced the segregation of Mexicans or treated Mexicans as secondary citizens angered the Mexican American community and mobilized them for change. Movie theaters, for example, often restricted Mexicans from sitting in the center aisles, and forced them to sit in the less ideal aisle and balcony seats. The practice was so predictable, that when famous film director and actor Orson Welles wanted to evaluate audience response to his pre-released films, he frequently sat in the balcony disguised as a Mexican during previews at Pomona's segregated Paramount Theater

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[43] García, Mexican Americans; Garcia, A World of Its Own, 226-228; George Sánchez, Becoming Mexican American: Ethnicity, Culture and Identity in Chicano Los Angeles, 1900-1945 (New York: Oxford University Press, 1993), 256.

[44] Garcia, *A World of Its Own*, 228-229; Rudolfo F. Acuña, *Occupied America: A History of Chicanos*, 4th ed. (New York: Longman, 2000), 257, 314.

during the 1930s. In 1939, López reported the complaints of segregation by two young Mexican Americans patrons at another movie house, the Upland Theater (now the Grove) in Upland, California, which grew into a movement against such practices in San Gabriel/Pomona Valley. After purchasing their tickets, the two well-dressed, young adults proceeded to the center section where they were met by the assistant manager who directed them to sit in the front seats closest to the screen, the side aisles, or the balcony. The Mexican American man of the couple protested and asked if the center section cost more and, if so, offered to pay to sit there. The assistant manager told them to take the front seats or he would escort them out of the theater. "In such a rigid manner," López wrote, "the management of the theater humiliated this Mexican couple, refusing them to sit where they desired, not because they were poorly dressed or because of poor manners, but because they were Mexicans."[45]

López went beyond reporting the incident, and consulted a lawyer about challenging the policy. The lawyer suggested that a legal case would be expensive and protracted, but a more effective strategy might be to start a boycott of the theater by Mexicans. López embraced his advice and called upon all Mexicans from the pages of *El Espectador* to support the boycott. López contended that the theater management had a right to refuse service to any one disturbing the film, regardless of race, but that this had not been the situation in this case. Promoting the boycott against not only the theater, but all other merchants who had business with the Upland Theatre, López promised, "*El Espectador* will support every action to combat this insult to our racial dignity, but we need the support of *Every One* of our readers."[46]

Thereafter the Mexican American community of Upland, led by the Comisión Honorífica Mexicana (a Mexican mutual society sponsored by the Mexican consul), organized to boycott the theater until it agreed to integrate. The worried manager countered by offering to let Mexicans seat themselves up to the center seats. The Comisión refused this proposal and announced that the boycott would continue until the theater allowed Mexicans to sit wherever they pleased. By this point, many Anglos supported the Mexican cause and threatened to join the boycott. "What this demonstrates to us," López emphasized, "is that we are not alone in our struggle for recognition and racial equality." The editor once again called on Mexicans to remain united and to recognize that they had the economic power to force change. "In this manner the first step is taken," López concluded, "in the Mexican community's defense of its dignity and in its struggle for civil rights." After a month-long boycott by Mexican Americans and whites, the theater's owner rescinded his segregationist policy. Signaling an embrace of the struggle by the white press, on March 3, 1939, the *Ontario Daily Report* announced: "No Discrimination Pledge: Mexican Organizations Win in Controversy over 'Jim Crow' Seat in Movie Theatres."[47]

Prior to World War II, the restriction of patrons of color from public pools extended throughout the Southwest and the country. In 1940, López published an article entitled "Quién Es El Culpable?" (Who is to Blame?), demanding an explanation for an ad in a local Pomona newspaper announcing that Mexicans would be permitted to use the local Ganesha Pool only on

[45] Garcia, Mexican Americans, 86.

[46] Ibid.

[47] Garcia, A World of Its Own, 233; García, Mexican Americans, 87.

Fridays.[48] The coverage of the problem by *El Espectador* and another Spanish-language daily, *El Sol de San Bernardino*, mobilized Mexican American community leaders in both cities to seek an end to these practices. In 1943, they filed suit in federal court on behalf of more than eight thousand Mexican Americans and Mexican nationals and against the mayor and city council of San Bernardino as well as other local officials for their complicity in segregating Mexican public schools. In 1944, Federal Judge Leon Yanckwich ruled on behalf of the Mexican plantiffs in the U.S. District Court case of *López et al. v. Seccombe et al*., declaring the segregation of Mexicans in local swimming pools to be unconstitutional and a violation of the Fourteenth and Fifteenth Amendments. Out of this struggle, Mexican Americans in San Bernardino organized a local defense committee, the Mexican-American Defense Committee, which not only applied public pressure on public pools, but also merchants displaying "White Trade Only" signs in their windows.[49] Similarly, the NAACP challenged discrimination at the Brookside Plunge in Pasadena in *Stone v. Board of Directors of the City of Pasadena*, and successfully desegregated the pool by 1947.[50]

Activist journalism, frustration with discrimination, and the dramatic developments around World War II generated protests and boycotts throughout the San Bernardino and San Gabriel Valleys. In 1938, Mexican Americans challenged discrimination in an Ontario bar with a boycott. In 1939, López challenged Azusa city government for restricting Mexicans' use of a public park for a Mexican Independence Day celebration. In 1946, he spurred the Mexican American community to challenge Mountain View Cemetery in San Bernardino for segregating black and Mexican graves. Although they admitted that the practice was morally indefensible, they argued that they could not go against public opinion. Once again, only a boycott could change their minds.[51]

These successful challenges led to a broad political coalition known as the Unity Leagues, consisting of Mexican American business owners, college students, community leaders, war veterans, and white allies. In some areas, Mexicans collaborated with Asian American and African American community leaders. Although World War II temporarily diverted attention away from Mexican American civil rights during the mid-1940s, it also served as a catalyst to a more aggressive movement after the war and contributed to the determination of Unity League members. For example, Cande Mendoza remembered his attitude after returning from the warfront as he tried for the second time to secure a teaching job in Pomona. He recalled: "I said, 'Here I am, I'm back again!' And, you know this time I was a little more assertive I guess, because I said to myself, 'My gosh, I went into World War II, and I was overseas for two years, and served with George Patton's third army as an infantryman attached to a tank and battalion,

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[48] García, *Mexican Americans*, 87-88.

[49] Ibid., 88; *López et al. v. Seccombe et al.*, 71 F. Supp. 769 (S.D. Cal 1944).

[50] Howard Shorr, "Thorns in the Roses: Race Relations and the Brookside Plunge Controversy in Pasadena, California, 1914-1947," in *Law in the Western United States*, ed. Gordon Morris Bakken (Norman: University of Oklahoma Press, 2000), 522-528; *Stone v. Board of Directors of the City of Pasadena*, 47 Cal. App. 2d 749, 118 P.2d 866 (194I). Although the case was decided in 1941, the city closed the pool to the general public until 1947. During World War II, residents of a veterans' emergency housing project located at the park had exclusive use of the pool. Thereafter, city officials shut down the pool in 1946, citing financial concerns, whereupon the NAACP filed an injunction against the city and the pool reopened in 1947 on an integrated basis.

[51] García, *Mexican Americans*, 89.

and . . . if they tell me they are not going to give me the job this time, they're going to find the activist in me coming out.' So, things had changed by that time, and they did give me a job." In 1946, Mendoza collaborated with López to form the first chapter of the Unity League in Pomona. He remembered: "Ignacio López and I started a group in Pomona called the Pomona Unity League, which we called 'pul'—P.U.L—and I was sort of the executive secretary . . . [The group consisted of] young people that just got back from the service, and gals. We went through registration for voting, and that helped."[52]

The activities of the Unity Leagues went well beyond the goals of desegregating public facilities towards the goal of electing public officials sympathetic to nonwhite concerns and registering nonwhite voters. It is appropriate to note that the Unity Leagues grew out of these desegregation campaigns and forged unity among Mexicans, sympathetic whites, and other people of color. Among early Anglo supporters of this movement, Fred Ross, a field director for the American Council on Race Relations, lent his time and organizing skills to the formation of eight Unity Leagues. Ross had originally been sent to San Bernardino Valley during the mid-1940s to investigate the local Ku Klux Klan who had allegedly burned to death black civil rights activist O'Day Short and his family on Christmas Day, 1945. Upon his arrival, Ross contacted Ruth Tuck, a sociologist at the University of Redlands and a friend of Ignacio López. After an introduction from Tuck in 1946, Ross became fast friends with López, and the two took numerous trips throughout the Mexican American and African American communities, sharing ideas about organizing and building interracial coalitions. Ross's activities upset Council directors in Chicago who expected Ross to survey and report back his findings, but not to engage in political organizing. Ross's actions, however, caught the attention of Saul Alinsky, the founder of the Industrial Areas Foundation (IAF) an organization committed to empowering minority and unrepresented working class communities to demand social justice, enfranchisement, and better education. Alinsky championed the work of Ross and eventually recruited him to serve as one of his West Coast representatives. Following IAF-style strategies, López and Ross organized fifty young Mexican American men and women and founded Unity Leagues in towns throughout the citrus belt, including prominent orders in Pomona, Chino, Ontario, San Bernardino, and Redlands. In areas such as Riverside and San Diego where Mexicans shared community space with African Americans and Asian Americans, the Unity Leagues were multiracial organizations that sought common cause across racial and ethnic lines.[53]

Mexican American members of the Unity Leagues found allies in African Americans, Asian Americans, and progressive whites for an anti-racist movement. Although more research is necessary, archives reveal that Mexican Americans worked with African Americans in particular as collaborators and co-creators in these civil rights organizations. For example, in the Riverside *colonia*, Casa Blanca, Mexicans composed 90 percent, blacks 8 percent, and Japanese Americans the remainder of the total population of about 3,500, but members maintained a slate of officers consisting of three African Americans and four Mexican Americans. Belen Reyes, a Mexican American woman, was the first president, while an African American, J. R. Riggins, served as the vice-president. As one of their first protests, the league joined with the local NAACP to present an ordinance to the Riverside City Council demanding the elimination of "White Trade

[52] Garcia, *A World of Its Own,* 234-235.

[53] Ibid., 235.

Only" signs from all places of business. Building on this success, Reyes demanded and won equal bussing services to public schools for Mexican American and African American children, and lobbied local politicians to support the removal of local Jim Crow laws. These actions stand as a testament to the anti-racist vision of the Unity Leagues and suggest that Mexican Americans within these organizations saw an affinity with African Americans. Rather than basing their demands for equality on claims of being "white," Mexican American Unity Leaguers embraced a non-white identity and fought for the eradication of all forms of racial discrimination in southern California.[54]

During the late forties, many organizers in the Unity Leagues such as Fred Ross moved to East Los Angeles to help organize and register Mexican Americans. There he found a frustrated, but determined Mexican American community with intentions of claiming a share of the local politics. The Community Service Organization (CSO) was created in 1947, and became the primary vehicle for supporting Hispanic politicians and empowering Hispanic voters. This grassroots organization helped elect Edward Roybal to the Los Angeles City Council in 1949, the first person of Mexican descent to serve on that body since 1888. After Roybal's victory, CSO shifted its concentration to fighting housing discrimination, police brutality, and school segregation. Roybal, in particular, became an outspoken critic of discrimination against Mexican residents regardless of their citizenship status. This strategy won over many recent Mexican arrivals in his district, creating a stable support network well into the future.[55] In 1950 the organization fielded 112 volunteer deputy registrars who, within three months, registered thirty-two thousand new Hispanic voters. By the early 1960s it had thirty-four chapters with ten thousand dues-paying members, and became one of the main vehicles for training Hispanic activists like César Chávez who would later go on to form the United Farm Workers of America.[56]

Texas/Arizona

Movements of desegregation also developed in Texas during the 1930s and 1940s. Historian David Montejano cautions that Jim Crow for Mexicans declined at an unequal pace across the state, and that change tended to come to rural areas more slowly than to urban. In rural districts, company stores and the control of white ranchers tended to be more thorough and long lasting. In urban areas, as in southern California towns, merchants and business owners tended to be more dependent on consumers, and therefore were more susceptible to economic pressures such as boycotts. Competition among businesses signified vulnerability in the racial order, since Tejanos could leverage to secure concessions and rights. As well, social conflict and national crisis in the form of World War II provided another impulse in the decline of the old race arrangements in Texas. In addition to encouraging Mexican beliefs in the possibilities of change, the continued existence of Jim Crow treatment of Mexicans in Texas presented the United States with an embarrassing and counterproductive image while trying to forge positive relations with

[54] Ibid., 236.

[55] Gutiérrez, *Walls and Mirrors*, 170-171.

[56] Acuña, *Occupied America*, 315. Ross served as Chávez's mentor during his years with CSO and he joined the United Farm Workers.

Latin America. These conditions made *de jure* segregation a problematic and ultimately untenable situation to maintain after 1940.[57]

In Texas, a civil rights group, the League of United Latin American Citizens (LULAC), contributed the earliest and most aggressive push towards desegregation in public facilities. Modeled on the NAACP, LULAC was a largely middle-class organization that strove first and foremost for integration. The name of the group provides some idea of the politics of the organization. Historians David Gutiérrez and Neil Foley have pointed out that LULAC's emphasis on "Latin American" rather than Mexican (all the affiliates came from Mexican American backgrounds) demonstrates that members recognized the stigma of identifying as a Mexican in Texas society. "Mexican" had largely become a racial term equal to nonwhite that LULAC wanted to distance itself from. Unlike the Unity Leagues in southern California, LULACers did not seek common cause with African Americans and other nonwhite racial minorities. Rather, LULAC based all their claims to civil rights on the fact that they were white by virtue of the Treaty of Guadalupe Hidalgo, and therefore should not be segregated. Finally, LULAC's emphasis on citizenship indicates that they preferred to act in the name of Mexican Americans, not Mexican immigrants.[58]

These limits to their advocacy work notwithstanding, LULAC contributed to the desegregation of public accommodations through diplomacy, economic activism, and the legal system. In 1937, for example, LULAC challenged a theater in San Angelo for attempting to segregate local Mexicans to the balcony during a benefit involving a Mexican orchestra. LULAC first protested to the mayor but to no avail. Unsatisfied with his response, LULAC asked the orchestra to join in the protest. The orchestra agreed to join in the fight, and pledged not to perform in San Angelo until Mexicans could sit wherever they pleased in the theater. Threatened with concert cancellations, the theater managers conceded to the orchestra's demands and allowed Mexican Americans unrestricted seating.

In situations where diplomacy did not work, LULAC resorted to the boycott. In 1940, a new movie theater in San Angelo segregated Mexicans along with blacks in the balcony. On behalf of Mexican patrons, LULAC president General A. M. Fernández tried to persuade the theater to abandon the policy on the grounds that it complicated President Roosevelt's attempt to ensure Latin American loyalty to the Allied forces through the Good Neighbor Policy. Evidence of segregation, it was argued, would undermine government-sponsored exchanges and cultural programming depicting close, amicable relations among Anglo Americans and Americans of Latin American descent on both sides of the border. Unmoved by these pleas, the theater continued with its policy, triggering Fernández to call on Mexican Americans to boycott the theater until it ended segregation. LULAC's strategy succeeded. In addition to theaters, LULAC also successfully protested segregation of Mexican Americans in swimming pools, restaurants, hospitals, and other forms of public accommodation throughout Texas.[59]

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[57] Montejano, *Anglos and Mexicans*, 263-264.

[58] Neil Foley, "Becoming Hispanic: Mexican Americans and the Faustian Pact with Whiteness," in *Reflexiones 1997: New Directions in Mexican American Studies*, ed. Neil Foley (Austin: Center for Mexican American Studies, 1998), 53-70; Gutiérrez, *Walls and Mirrors*, 81-82.

[59] García, *Mexican Americans*, 46-48.

LULAC also went to court to end segregation on juries. In *Hernández v. Texas*, LULAC challenged the conviction of Pete Hernández for the murder of another farm worker, Joe Espinosa, on the grounds that discrimination had been practiced in the selection of juries in Texas. The lawyer pointed out that while 15 percent of Jackson County's almost thirteen thousand residents were Mexican Americans, no such person had served on any jury commission, grand jury, or petit jury in Jackson County in the previous quarter century. Despite this situation, several lower courts upheld the conviction and denied that Hernández's Fourteenth Amendment rights had been violated. LULAC attorneys, however, took the case all the way to the U.S. Supreme Court. On May 3, 1954, Chief Justice Earl Warren delivered the unanimous opinion of the Court in *Hernandez v. Texas*, extending the aegis of the Fourteenth Amendment to Peter Hernández and reversing his conviction.[60]

While the court case is seen as an important extension of the Fourteenth Amendment to Hispanics, the court came to some rather odd conclusions about why Mexican Americans suffered injustice in the court and in Texas society. The court did not apply the Fourteenth Amendment to *Hernández* on the ground that Mexican Americans constitute a protected racial group. Rather, the court held that Hernández merited Fourteenth Amendment protection because he belonged to a class, distinguishable on some basis "other than race or color." The court made this argument despite the fact that trial lawyers pointed out that the bathrooms in another courthouse where the first trial took place were segregated with "Colored Men" and "Hombres Aquí" written across the doors. The refusal of the court to see this segregation of public accommodations and access to juries as racial in nature highlights the ambiguity of the racial status of Mexican people in the United States.

The efforts of LULAC in Texas extended to other Southwestern states as well, including Arizona. In Phoenix, for example, Mexican Americans were treated as second-class citizens. As one witness, Val Cordova, explained: "Here in Phoenix, up to World World II, we could not live where we wanted to. In some areas they would not rent or sell to a Mexican American. At the Fox Theater, you had to sit upstairs. At the Studio Theater, in downtown Phoenix, you couldn't even get in. At the public parks, such as, for example, University Park—which was founded and maintained with city tax dollars which we all paid—a Mexican American was not permitted."[61] As in Texas and California, consciousness about civil rights growing out of the war experience converged with activism among some Mexican Americans to challenge the status quo. Members of a local LULAC chapter and the mutual aid society, Alianza Hispano Americanas, questioned segregation during the war years, although their emphasis was mainly on desegregation of public schools.

As in California, World War II motivated many Mexican Americans to challenge discrimination in Texas and throughout the Southwest. For Mexican Americans who served in the war, the hypocrisy of U.S. racism offended them deeply since they had risked their lives in defense of the country. In 1948, World War II veteran Dr. Héctor García and some of his fellow Mexican American veterans formed the GI Forum to combat discrimination against Mexicans. The idea came to García as he recuperated from a serious kidney ailment in his hometown of Corpus

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[60] *Hernandez v. Texas,* 347 U.S. 475 (1954).

[61] Bradford Luckingham, Minorities in Phoenix: A Profile of Mexican American, Chinese American, and African American Communities, 1860-1992 (Tucson: The University of Arizona Press, 1994), 46.

Christi. Angered by naval hospital refusals to admit veterans except in emergencies and their racial segregation of patients, García promised himself that when he recovered, he would devote his life to ending such discrimination. The charismatic García joined with fellow *veteranos* Cris Aldrete and Ed Idar in 1948 and by the end of that year, the GI Forum had chapters throughout most of South Texas. During this critical first year and throughout the existence of the organization, men were supported by Mexican American women, such as the founder's sister, Cleotilde García, M.D., who carried the burden of daily life. In García's case, the sister cared for her own patients as well as her brothers while Hectór García pursued this public civil rights agenda. Ironically, young women eventually participated in the organization as a "girls' division."

Following a similar political philosophy of integration and assimilation advocated by LULAC, the GI Forum struggled for the fair treatment of Mexican Americans. "We were Americans, not 'spics' or 'greasers'," García recalled, "because when you fight for your country in a World War, against an alien philosophy, fascism, you are an American and proud to be in America." The GI Forum initially agreed to be nonpartisan, though they encouraged individual members to become active in the political process. Individual members actively supported candidates who believed that government could play a role in ending discrimination. This often included those politicians who played heir to the New Deal legacy, including Lyndon B. Johnson, a powerful senator from Texas.[62]

In 1949, the GI Forum called on Johnson to support their challenge to discrimination in Texas cemeteries. Félix Longoria, a U.S. volunteer was killed in action in 1945 in the Philippines. In 1948, his remains were recovered and shipped to his hometown, Three Rivers. The manager of the town's sole funeral home refused to bury Longoria because white patrons would object. Sara Moreno, sister of Longoria's widow and the president of the American GI Forum girls' division, took action by contacting Hectór García. While the Longorias struggled with the funeral director to reach a suitable agreement, García notified the *Corpus Christi Caller-Times*, seventeen members of the media, and in January 1949, he contacted top elected officials about the insult the family suffered. Johnson, who had benefited from Mexican American support in his election to the U.S. Senate, saw an opportunity to solidify his support with veterans and Mexican Texans by resolving the crisis. Following lengthy discussions with local leaders and the funeral home director, Johnson contacted García with the message, "We want to help you and your people. As long as you do everything peacefully, we will help you in every way that you need help." Finally, in response to several days of peaceful protest, Johnson sent a telegram to García, which he read aloud to over one thousand people:

I deeply regret to learn that the prejudice of some individuals extends even beyond this life. I have no authority over civilian funeral homes. Nor does the federal government. However, I have today made arrangements to have Felix Longoria buried with full military honors at Arlington National Cemetery, here at Washington, where the honored dead of our nation's War rest. . . . There will be no cost. . . . This injustice and prejudice is deplorable. I am happy to

[62] Julie Leininger Pycior, *LBJ & Mexican Americans: The Paradox of Power* (Austin: University of Texas Press, 1997), 60-61.

have a part in seeing that this Texas hero is laid to rest with the honor and dignity his service deserves.[63]

The resolution marked an important victory for Mexican American civil rights and earned Johnson and the Democratic Party the loyalty of many Mexican Texans for years to come. As a result of this success, the GI Forum deviated from LULAC's example and their earlier policy of nonpartisanship by organizing "get-out-the-vote" drives and endorsing candidates.[64]

Mexican American veterans elsewhere also organized American Legion Posts that pursued similar goals with the same political strategies as the GI Forum. In Phoenix, Arizona, for example, Frank Fuentes and Ray Martínez founded a division of the American Legion Posts to fight for integrated GI housing over the fervent protests of white veterans. While more research must be done, it is evident that resistance to segregation and discrimination existed among Mexican Americans across the Southwest in the wake of World War II.

Baseball

Major League Baseball also subjected some people of Latin American descent to segregation and discrimination. Baseball's officials intended to keep blacks out of the game, and therefore, targeted Latin players who could not "pass" as white. Consequently, the experience of Hispanic players ranged from acceptance to exclusion from Major League Baseball.

Cuban-born Esteban Bellán, who arrived in the United States in order to attend Fordham University, became the first Latin American player in the major leagues when he joined the Troy Haymakers of the National Association of Professional Base Ball Players in 1871. During the first two decades of the twentieth century, the number of players from Mexican, Cuban, Puerto Rican, Colombian, and Venezuelan backgrounds grew with the sport and became important contributors to the success of teams such as the Philadelphia Athletics and the Cincinnati Reds. In all of these later cases, the players avoided restrictions against black players because of their light skin. For example, in 1911 the Cincinnati Reds signed two Cuban players, Rafael Almeida from Havana and Armando Marsans from Mantanzas. Although the two came to the United States as members of the Cuban Stars, a club that competed primarily against black teams in the Negro leagues, Almeida and Marsans were invited to play in the white-only major leagues because of their lighter complexions, exceptional talents, and elite backgrounds.

For Afro-Hispanics, however, playing in the big leagues was as impossible as it was for African American players. According to Monte Irvin, a former American black league and major league player of a different era, "you could have all the ability in the world [before 1947] as a Latin playing in Puerto Rico, Venezuela, Santo Domingo, or Panama, but you could not play [in the major leagues]. So as a Latin black you were in the same situation as [an] American black."[65]

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[63] Johnson as quoted in Pycior, *LBJ & Mexican Americans*, 70; "Felix Longoria Affair," at http://www.tshaonline.org/handbook/online/articles/FF/vefl.htm, The Handbook of Texas Online, accessed March 26, 2009. For more on this story see, "Felix Z. Longoria" at http://www.arlingtoncemetery.net/longoria.htm, Arlington National Cemetery Website, accessed March 26, 2009.

[64] Rosales, *Chicano!,* 97.

[65] Samuel O. Regalado, Viva Baseball!: Latin Major Leaguers and Their Special Hunger, Sport and Society (Urbana: University of Illinois Press, 1998), 32.

Interestingly, the first Latin player, Esteban Bellán, was reportedly black, but played at a time before segregation in the game became so rigid. After the *Plessy v. Ferguson* decision, which affirmed "separate but equal" accommodations, major league baseball followed suit and imposed strict segregation on the game.

These conditions did not prevent Afro-Hispanics from playing baseball in the United States. Some toured the United States with the Cuban Stars, a team made up of Cuban players of various shades of darkness. One player, José Méndez, known as the "Black Diamond," out dueled famous major league pitchers such Eddie Plank and Christy Mathewson during the 1920s, and struck out Babe Ruth on several occasions during the 1920s. Méndez played with the Cuban Stars and on Negro league teams until 1926. Several Negro league managers saw the benefits of incorporating Cuban players on their roster and recruited them throughout the 1920s and 30s.[66]

African Americans and Afro-Hispanics were barred because of color from the game until Jackie Robinson shattered the color line in 1947 by playing with the Brooklyn Dodgers. According to historian Samuel Regalado, however, an Afro-Cuban infielder, Silvio García, almost became the first player to challenge segregation in the big leagues. Regalado writes, "Although accounts conflict, [Branch] Rickey . . . shied away from García after the prideful Cuban said he would kill any man who slapped him in the face." Instead, the Dodger president signed Jackie Robinson, who famously endured insults and injury to become the first black player to play in the major leagues.

After 1947, conditions did not immediately improve for African Americans or Afro-Hispanics. In addition to confronting hostility on major league diamonds, frequently players played in the minor leagues often located in the South and Midwest where Jim Crow persisted. Victor Pellot Power, a young, black Puerto Rican, was contracted by the New York Yankees to play in their farm system in Kansas City in 1951. There he encountered segregated movie houses, restaurants, and other public facilities, and was forced to sleep in morgues on the road because no hotel would allow him to stay in their rooms. Local fans booed him despite the fact that Power hit .349 for the team and won the American Association's batting title. Although his achievement deserved promotion, Yankees management resisted integration of the major league team and traded him to Philadelphia before spring training in 1953. According to historian Samuel Regalado, the Yankees chafed at the idea of bringing Power up to New York because "he was prone to exhibit his Latin pride and respond to aggressors regardless of skin color." As well, Yankees officials took exception to Power's apparent relationship with a white woman, who actually was his Puerto Rican-born wife who enjoyed wearing blond wigs.[67]

Power joined the Athletics in 1954 and became the team's regular first baseman. Unfortunately, in 1955, the team moved to Kansas City where Power faced the same discrimination that haunted him as a minor league player. In addition to confronting Jim Crow laws in public accommodations, the Kansas City police routinely stopped and questioned him and his wife for no apparent reason other than that he was black. Reflecting on his life in the big leagues, Vic Power commented, "Being a human being I never thought people [were] going to be like that,

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[66] Ibid., 35.

[67] Ibid., 74.

making me live alone . . . go nowhere." Powers added, "But what can you do? You can't do anything except play harder."[68]

Numerous other Afro-Hispanic players experienced the same humiliation as Power did along with the greatest players of the game including Dominicans Manny Mota, Felipe Alou, and Juan Marichal, and Puerto Ricans Orlando Cepeda and Roberto Clemente. These men passed on stories as each new Latin recruit came into Major League Baseball as either major league starters or minor league players to prepare the next generation for the difficulties of life in America for blacks. Manny Mota captured the sentiment among Latin black players best when he explained, "[Orlando Cepeda and Felipe Alou] told me what to expect. Another coach prepared me mentally to face it and that's what I did. [But] I never realized it was going to be that bad."[69] Rather than quit, many persevered, and helped Hispanic baseball players become a permanent fixture in the major leagues.

[68] Ibid., 76.

[69] Ibid., 76-79.

ASIAN AMERICAN

A view of Main Street in Locke, California, 1984. Founded in 1915, Locke is a rural Chinese American community established on leased land because Chinese Americans were prevented from owning land in California. *Photo by Jet Lowe, Historic American Building Survey, HABS No. CA-2071-5.*

SEGREGATION OF ASIAN AMERICANS, NINETEENTH AND TWENTIETH CENTURIES[1]

The history of Asian Americans' experiences with and fights for civil rights in public accommodations is rich and varied, yet does not always follow the same outlines as that of other racialized groups. As it was with Hispanics, documented cases of systematic segregation and desegregation of Asian Americans tended to be much more plentiful in areas other than public accommodation. Asian immigrants were set apart as "aliens ineligible for citizenship" under the 1790 Naturalization Law. Many other inequities followed from the inability to gain naturalized citizenship. Fights for citizenship, immigration, and equal protection in economic endeavors tended to take precedence over other kinds of battles.[2] At the same time, the drive for dignity, equality, and civil rights meant that Asian Americans confronted segregation in various arenas. In some cases, those fights followed paths of struggle well tread by other racialized ethnic groups; in other cases, Asian Americans forged their own approaches, utilizing survival strategies that enabled their communities to adapt and thrive under the most challenging of conditions.

Having equal access to public education figured quite prominently in Asian American history. As early as 1884 in San Francisco, the parents of Mamie Tape, the American-born daughter of a Chinese immigrant, challenged the Spring Valley Primary School's decision to exclude their daughter in *Tape v. Hurley*. The courts ruled in their favor, citing the equal protection clause of the Fourteenth Amendment, but later actions by the state legislature bypassed the court's ruling and gave local school districts the authority to establish separate schools for Asian children.[3]

The reaffirmation of segregation extended well beyond schools into other areas, including housing. Indeed, the racist hostility against Asian immigrants in the nineteenth century often dictated conditions of almost complete segregation. In this context, concern for equal access to public accommodations was usually overshadowed by the need first to fight for the right to one's existence, livelihood, and education for one's children. In the face of racist hostility that often manifested itself through violence, Asian Americans found it necessary to develop their own parallel or alternative institutions. In communities where self sustaining districts emerged (commonly referred to as "Chinatowns," "Chinese quarters," "Manilatowns," or "Little Tokyos"), community members established their own hotels, restaurants, and recreational facilities to provide services largely because access to accommodations outside of those communities were sharply limited.

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[1] This Asian American context was completed by Theresa Mah, assistant director for curriculum and learning, Center for the Study of Race, Politics and Culture; lecturer, University of Chicago.

[2] Sucheng Chan, *Asian Americans: An Interpretive History* (Boston: Twayne, 1991), 90. Chan notes that Asian immigrants undertook an impressive volume of litigation and that the issues of greatest concern were immigrant exclusion, the right of naturalization, and economic discrimination.

[3] Charles J. McClain, In Search of Equality: The Chinese Struggle Against Discrimination in Nineteenth-Century America (Berkeley: University of California Press, 1994), 133-144. See also, Victor Low, The Unimpressible Race: A Century of Educational Struggle by the Chinese in San Francisco (San Francisco: East/West Publishing, 1982). Tape v. Hurley, 66 Cal. 473 (1885).

Nineteenth Century Exclusion Laws

The experiences of the Chinese immigrants who first began arriving in the mid-nineteenth century were indelibly marked by race. As early as 1852, Chinese miners became targets of a foreign miners' tax that succeeded in collecting $5 million from them before it was nullified by the Civil Rights Act of 1870. Decisions such as *People v. Hall* in 1854, prohibiting the Chinese from testifying against whites in court, kept Asian Americans in a subordinate position politically, though this did not keep the Chinese from bringing cases to the courts to protest their treatment. In San Francisco, between 1873 and 1884, the Board of Supervisors passed fourteen ordinances seeking to regulate the laundry business. Although the language of these ordinances did not specifically identify the Chinese, it was clear that the Chinese were the intended target. These ordinances were the subject of *Yick Wo v. Hopkins*, an 1886 landmark Supreme Court case that ruled that the ordinances violated the equal protection clause of the Fourteenth Amendment. Yet for every successful decision affirming equal protection there were numerous other actions reaffirming segregation, inequality, and efforts to curtail Asian immigrant livelihoods. Cubic air ordinances, for example, sought to regulate the occupancy of residences by Chinese immigrants, while pole ordinances sought to deny access to streets and sidewalks based on the Chinese immigrant practice of suspending baskets on bamboo shoulder poles in order to convey or sell their goods.[4]

Passage of these kinds of racially-specific ordinances was not simply petty racist harassment separate from a more complex social context. During the nineteenth century, Chinese immigrant labor was increasingly being used as a racialized and exploitable work force that could serve as a wedge in the conflict between white workers and capitalists. When numbers in the Chinese immigrant population became noticeable and coincided with periods of unemployment and economic recession, for example, the labor unrest of the white working class could be diffused and re-channeled in the form of racial scapegoating. During the nineteenth century, the argument for the exclusion of Chinese labor from immigration rested heavily on agitation by the working class whites. The Democratic Party in particular used the heightened hysteria over the exclusion issue specifically to win the support of the white working class.[5] This agitation against Chinese immigration culminated in the passage of the Chinese Exclusion Act in 1882, a federal law barring the entry of Chinese laborers for a period of ten years. This law was extended for another ten years through the Geary Act in 1892, and then renewed again for an indefinite period in 1902. It was the only law to single out a racialized ethnic group for exclusion, and its provisions were not repealed until 1943.

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[4] Cubic air ordinances, sometimes called "lodging house laws," regulated the amount of space allotted to the tenants of lodging houses. If more occupants were found than were permitted to be residing in a given amount of space, penalties of fines or imprisonment could be imposed. In most cases, the lodgers themselves, rather than the proprietors, were the ones persecuted under these laws. Furthermore, lodging houses in the Chinese quarter were usually the only ones targeted. McClain, *In Search of Equality*, 1-76. *People v. Hall*, 4 Cal. 399 (1854); *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

[5] See Tomás Almaguer, Racial Fault Lines: The Historical Origins of White Supremacy in California (Berkeley: University of California Press, 1994).

Nineteenth Century Segregated Asian Communities

From the 1870s through the 1890s, in a period of heightened anti-Chinese hysteria leading up to the passage of the Chinese Exclusion Act and in its aftermath, Asian Americans experienced some of the greatest degrees of racial hostility and violence. Extreme anti-Chinese sentiment manifested itself in a series of "driving out" campaigns throughout the western states. In these areas, where small but significant populations of immigrants had settled and found modest livelihoods in mining and railroad construction, murderous mobs assembled to drive the Chinese out of town, not stopping at extreme tactics as murder, lynching, and arson in order to do so. During this tragic period sometimes referred to as the "driving-out time," such massacres took place in Los Angeles, California (1871); Rock Springs, Wyoming (1885); Denver, Colorado; Seattle and Tacoma, Washington (1885-86). In Rock Springs, Wyoming, the site of one of the most notorious attacks, a mob of angry white workers surrounded and shot at unarmed Chinese workers, torched their houses, and chased them out of town, killing a total of 28 Chinese, wounding 15, and destroying 79 of their residences.[6]

Separate Institutions

The Asian American community's response to this kind of terrorism against them was often to retreat to locations where they could find relative safety in larger numbers and within those communities build their own separate institutions. As early as the 1850s, a Chinese quarter was already being established in San Francisco with shops, restaurants, boarding houses, and apothecaries to serve their own people. Mutual aid societies, known as the *huigun* system, or the Chinese Six Companies, developed to provide housing, jobs, recreational activities, and to mount lawsuits against the unequal treatment of the Chinese.[7] In some rural areas like Marysville, Locke, Stockton, Fresno, Watsonville, and Sacramento, California, immigrants built Chinatowns that served the needs of local miners and farmers. Not simply limited to the West Coast, Chinese communities could be found in all areas of the Rocky Mountains and Plains States along the route of the transcontinental railroad and leading to the urban areas of the Midwest and East Coast.[8]

It is therefore important to understand the development of segregated communities and parallel institutions as a response that included the need to develop separate accommodations in the face of near complete exclusion from access to public accommodations in existing areas. In the segregated Asian communities that developed, the large numbers of Asian-owned shops, restaurants, hotels or boarding houses, as well as recreational facilities might attest to the experience of exclusion from facilities in outside society. Places like Chinatown represented safety and self-sufficiency. Chinese American historian Thomas Chinn recalls that as a child in the early 1920s, he "rarely left Chinatown unless [he] had a good reason to do so," because of the

[6] Chan, Asian Americans, 49.

[7] Him Mark Lai, *Becoming Chinese American* (Walnut Creek, Calif.: Altamira Press, 2004), 39-76.

[8] See Arif Dirlik, ed., *Chinese on the American Frontier* (Lanham, Md.: Rowman & Littlefield, 2001).

fear of being attacked. Chinn recalls that this fear was held by children and adults alike and was reinforced by the actual experiences of acquaintances and friends.[9]

The Frontier West

Despite the very real hostility and violence directed at Asians, especially the Chinese in the frontier West, the historical record also reveals some interesting stories that sometimes complicate the usual narratives of victimization and complete segregation. In some situations, particularly in frontier towns, it was sometimes Chinese proprietors who offered accommodations to whites. In Lincoln County, Nevada, for example, Tom Wah and his wife Gue Gim Wah operated a boarding house and restaurant for mine workers in Castelton. They were part of the few Chinese who remained in the area when the population declined after the turn of the century.[10] In other frontier towns, Chinese herb doctors provided services to Asians and whites alike. According to Loren B. Chan's survey of the Chinese in Nevada, these Chinese herb doctors were highly regarded by whites because they offered an alternative to Western medicine in the treatment of disease. They were often preferred over white doctors not only because of their reputations for effective cures, but also because whites afflicted by venereal disease were reluctant to face white doctors. Because of these factors, demand for their services was often so great that these Chinese doctors traveled the county to serve their clientele.

Apart from these few examples, segregation was still the unquestionable norm and was often practiced to extremes. A Gold Hill, Nevada ordinance in 1864, for example, prohibited the Chinese from living within four hundred feet of a white person without permission.[11] One oral history project participant recalls that in Nevada between 1909 and 1918, the trains of the Las Vegas and Tonopah Railroad did not allow the Chinese to get off at the stop in Goldfield because the town had a strict "no Chinese allowed policy."[12] Railroad lines like the one linking the Central Pacific in Reno with Carson City and Virginia City, provided passenger coaches for whites, but allowed the Chinese to ride only in the cabooses. The Virginia and Truckee Railroad also reserved the cabooses on their trains as segregated seating for the Chinese.[13]

The South

In the South, where Chinese workers were originally imported to replace and discipline emancipated slaves during Reconstruction, the majority of the Chinese eventually left agriculture and found a niche in the small trades and commercial enterprises. In Louisiana, the Chinese gravitated to New Orleans, where they worked in various occupations ranging from the laundry business to cigar-making or cigar sales, cooking, shoemaking, and woodcarving. According to Lucy Cohen, the Chinese in New Orleans during the 1880s lived among the white immigrant

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[9] Thomas W. Chinn, *Bridging the Pacific: San Francisco's Chinatown and Its People* (San Francisco: Chinese Historical Society of America, 1989), 162.

[10] Loren B. Chan, "The Chinese in Nevada: An Historical Survey, 1856-1970," in *Chinese on the American Frontier*, ed. Arif Dirlik (Lanham, Md.: Rowman & Littlefield, 2001), 103.

[11] Russell M. Magnaghi, "Virginia City's Chinese Community, 1860-1880," in *Chinese on the American Frontier*, 141.

[12] Chan, "The Chinese in Nevada," 97.

[13] Ibid., 108.

communities in the city rather than concentrated in tightly knit Chinese quarters like in other cities. They lived as borders in private homes or in boarding houses run by European immigrants. Some also ran boardinghouses that catered to European immigrants or other Chinese.[14] Outside of New Orleans, the situation may have been much different, especially in smaller towns like Donaldsonville, where the reference to Chinese residential areas as "the precincts of 'China Town'" suggested racial segregation, and the local newspaper's warning to small boys to stop "jolting [the Chinese] in the back with brick bats as they peacefully wander the streets" suggests regular harassment.[15]

In Mississippi, the Chinese tended to live in close proximity to African Americans, who were their main customers in the grocery business. James Loewen, in his book *The Mississippi Chinese*, writes that "[f]rom their first entry into the state the Chinese were defined as status equals of the Negroes."[16] At the same time, however, the Chinese were not thought of as exactly the same as blacks by either black or whites; because of their occupational niche, they held a higher class position than the vast majority of their African American clientele. Yet because of their similar racial status, blacks and Chinese shared much in terms of neighborhoods, schools, and experiences of the racial barriers that kept them subordinate to the white community. The Chinese did not always passively accept their unequal status however, especially when it came to the education of their children. In some counties, the white schools would allow one or two Chinese students in, but then would revert to a policy of complete exclusion once too many Chinese children began attending. Since remaining in the segregated and unequal school system amounted to virtual exclusion from public education altogether, Gong Lum, a merchant in Rosedale, fought a case all the way to the U.S. Supreme Court in order to win the right for his daughters to attend the white public schools. In the 1927 case, *Gong Lum v. Rice*, the Supreme Court argued that the Chinese were not white and therefore should be excluded from white schools. In response to this setback, Chinese families moved to other districts or other states in search of educational equity. Many Mississippi districts continued to exclude Asian American children into the 1940s and 50s, some maintaining three school systems in order to have separate schools for the Chinese.[17]

The social position and level of segregation of the Chinese in these southern communities tended to vary from place to place and also depended upon a variety of factors. Small towns seem to have a better record of acceptance than large ones. The extent to which white intermediaries advocated on their behalf, or the extent to which some were willing or able to distance themselves from African Americans, seemed to make a difference in their level of acceptance by white society. In many cases, associations with African Americans, particularly mixed marriages, tended to have a negative impact on Chinese attempts to integrate white institutions. Loewen mentions one example in which a Chinese grocer was thrown out of a hospital once the staff learned of his African American wife. After that incident the hospital enacted a policy to

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[14] Lucy M. Cohen, *Chinese in the Post-Civil War South* (Baton Rouge: Louisiana State University Press, 1984), 137.

[15] Ibid., 142-143.

[16] James W. Loewen, *The Mississippi Chinese: Between Black and White* (Prospect Heights, Ill.: Waveland Press, 1988), 59.

[17] Ibid., 68; *Gong Lum v. Rice*, 275 U.S. 78 (1927).

bar the Chinese entirely. Barred from white institutions, the Chinese formed alternative or parallel institutions such as churches, missions, cemeteries, and separate Chinese schools.[18]

Twentieth Century Exclusion in the West

The response that led Asian Americans in the West to build their own alternative accommodations might be best represented by the relatively high number of Japanese-owned/run hotels and boarding houses catering to a largely Asian immigrant clientele. The Japanese population grew significantly in the years following the Chinese Exclusion Act and in those early decades tended to find employment in the migrant labor force. The group later found success in farming, but in urban areas developed an ethnic economy of hotels, boarding houses, restaurants, pool halls, and other shops and stores. According to a 1909 survey of 2,277 Japanese businesses in the West, 337 were hotels and boarding houses, 381 were restaurants, 187 barbershops, 136 poolrooms, 136 tailor shops, 124 supply stores, 97 laundries, and 105 shoe shops.[19] In communities large and small there were ethnic enterprise districts that catered to the needs of Asian Americans. These accommodations were particularly important in the face of the systematic exclusion of Asians from white-owned institutions. During a visit to a California barber shop in the 1920s, a young Japanese man was approached by one of the barbers and asked to identify his nationality. "I answered that I was Japanese, and as soon as he heard I was of the yellow race, he drove me out of the place as if he were driving away a cat or a dog," he recalls.[20]

On the West Coast, Japanese success in farming led to the passage of laws that sought to prohibit the Japanese from owning land. These alien land laws, first passed in California in 1913 and later strengthened to close loopholes before excluding the Japanese from even leasing land altogether, were based on the inability of Asian immigrants to become naturalized citizens. In 1922, Japanese-born Takao Ozawa brought his case, *Ozawa v. United States,* before the Supreme Court to approve his application for naturalized American citizenship. Ozawa was denied on the basis that he has every qualification but was "not Caucasian." A year later, an Indian-born Bhagat Singh Thind, who had earlier been granted citizenship, only to have it stripped from him, fought his case to the Supreme Court on the basis that Indians were technically considered "Caucasian" by certain anthropological classifications. Once again reaffirming his status as an "Asian ineligible for citizenship," the court decided that while Thind may be scientifically classified "Caucasian," he was not considered by the common man to be "white." The following year, Congress passed an immigration law that would bar all "aliens ineligible for citizenship" from entry into the country. The law effectively singled out the Japanese without naming them, since the Chinese and East Indians had already been excluded under other legislation.[21]

During the 1920s and 30s, the number of Filipino migrants rose phenomenally as domestic labor needs continued to grow despite the ban on Asian immigration. Filipinos could circumvent the

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[18] Lowen, The Mississippi Chinese, 83-88.

[19] Ronald Takaki, *Strangers from a Different Shore* (New York: Penguin 1989), 186. The report that Takaki cites for this information is the U.S. Immigration Commission's 1911 report, *Japanese and Other Immigrant Races in the Pacific Coast and Rocky Mountain States*, vol. 1 (Washington, D.C., 1911), 33-36.

[20] Ibid., 179.

[21] Mae Ngai, Impossible Subjects: Illegal Aliens and the Making and Remaking of Modern America (Princeton: Princeton University Press, 2004), 38-47; Ozawa v. United States, 260 U.S. 178 (1922).

ban on Asian immigration, since the Philippines was an American territory, thereby giving Filipinos the status of non-citizen nationals. While in 1910, the Filipino population was just over 400, by 1920, there were 5,603. By 1930, their numbers rose to 45,208. Working predominantly in the migratory labor fields that included agriculture as well as fishing and canning, Filipino workers competed directly with white workers. During the Depression in particular, white racial hostilities erupted in violent, anti-Filipino riots such as the one in Watsonville, California, in 1930. Like other Asian ethnic groups, Filipinos were commonly refused service at barbershops, restaurants, and hotels. Signs on hotels read, "Positively no Filipinos Allowed." Movie theaters would either exclude Filipinos altogether, or segregate them in limited areas as they did at the Broadway Theater in Portland, where Filipinos, Chinese, Japanese, and African Americans were forced to sit in the balcony area.[22]

During the bulk of the twentieth century, racial segregation against Asian Americans remained in practice, though there was uneven consistency in how and when denials of services, housing, or employment were applied. The record suggests that some policies may have been selectively enforced and that certain ethnic groups bore the brunt of the hostility during specific time periods. For example, a study in the 1930s in which a sociologist accompanied a Chinese couple into hotels and restaurants in the 1930s found that they were accepted at all but one of them. But when the sociologist sent letters to the same establishments later, asking if they accept Chinese guests, 92 percent replied that they refused service to them.[23] In the case cited, it is possible that class standing or accompaniment by the white sociologist may have been a factor in their treatment.

In the 1930s, it seems that the deepest hostilities were directed at Filipino migrant workers. Instances in which Filipino men are perceived to have transgressed beyond acceptable racial bounds would draw particular ire. In Carlos Bulosan's *America is in the Heart*, the author described an incident in which a Filipino man and his white American wife and child were refused service in a restaurant. In this case, the man's pleas to the proprietor to sell him milk for his hungry child sparked a response of heightened hostility towards the Filipino man because he was perceived to have gone beyond acceptable social bounds by marrying a white woman and having a child. The incident ended with the man's expulsion and beating at the hands of the restaurant's proprietor and white customers.[24]

World War II

The period from 1943 to 1952 onward marks the end of the "exclusion era" for Asian immigrants. When bans on Asian immigration were lifted and laws prohibiting naturalization were rescinded, these milestones in no way represented the end of segregation and discrimination against Asian Americans. In 1943, when Congress repealed the Chinese Exclusion Act and lifted the ban on naturalization, many Japanese Americans were still incarcerated in internment

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[22] Takaki, Strangers from a Different Shore, 324.

[23] Cheng-Tsu Wu, ed., *"Chink!" A Documentary History of Anti-Chinese Prejudice in America* (New York: Meridian, 1972), 105 citing from Richard T. La Piere, "Attitudes vs. Actions," *Social Forces* 13 (December 1934), 230-237.

[24] Carlos Bulosan, *America is in the Heart* (New York: Harcourt, Brace and Company, 1946; reprint with a foreword by Carey McWilliams, Seattle: University of Washington Press, 1973), 144-145 (page citations are to the reprint edition).

camps. From the execution of Franklin Roosevelt's Executive Order 9066 in 1942 until the end of the war, 110,000 people of Japanese ancestry—two thirds of whom were American-born citizens—endured conditions of complete segregation and isolation at ten internment camps across the country. Upon their release and return to their home communities, some were met by jeering crowds and signs that read, "No Japs Allowed" or "No Japs Welcome."[25]

World War II is often thought of as a watershed moment in Asian American history when fortunes changed for the better,[26] but it might be better represented in more cautionary terms as double-edged, with both benefits and challenges. During the war, Chinese Americans and Korean Americans needed constantly to distinguish themselves from the Japanese and avoid being mistaken for the enemy. They sometimes took precautionary measures like wearing buttons declaring, "I am Korean" or "I am Chinese," or posting signs in their stores stating, "This is a Chinese shop."[27] Legislation to repeal immigration and naturalization restrictions were of course welcome, but the quotas for each group—around one hundred per group per year—were miniscule. Some developments influenced more dramatic change. The ability of Asian American GIs to bring Asian-born war brides to the United States had an enormous impact on the gender balance of many of these communities. Chinese, Japanese, and Filipino American veterans' use of provisions from the GI Bill to purchase homes and go to college helped to shift residential and occupational patterns.

Residential Exclusion

At the same time, Asian Americans' efforts to move out of their ethnic enclaves were often met with resistance. While their experiences from the 1940s through the 1960s were a far cry from the 1890s, for example, when the city of San Francisco sought to implement provisions in state legislation allowing for the removal of the Chinese from within the city limits, Asian Americans did encounter considerable opposition to their entry into some neighborhoods.[28] In the San Francisco Bay Area during this period, a number of cases that made local and even national news headlines indicate the persistent nature of residential exclusion against Asian Americans. The cases also demonstrate the extent to which racially restrictive covenants were used to enforce the exclusion of Asian American homebuyers from white neighborhoods. Even after the Supreme Court ruled in 1948 not to uphold the enforceability of restrictive covenants in *Shelley v. Kramer*, a range of extralegal measures continued to be used. For example, a study of real estate brokers in the 1960s found agents openly speaking of steering Asian Americans away from the predominantly white neighborhoods in "the Avenues" in San Francisco.[29] It was not until after

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[25] Takaki, Strangers from a Different Shore, 405.

[26] This is a common characterization of the period in Asian American historiography that mainly refers to the lifting of immigration restrictions for the Asian groups and also the opportunity for many Asian Americans to prove their patriotism through military service. This perspective is reflected in the chapter titles of two important syntheses of Asian American history, Sucheng Chan's *Asian Americans: An Interpretive History* (chapter 7, "Changing Fortunes, 1941-1965") and Ronald Takaki's *Stranger's from a Different Shore* (chapter 10, "The Watershed of World War II: Democracy and Race").

[27] Ibid., 363-371.

[28] McClain, *In Search of Equality*, 223-233.

[29] Theresa Mah, "Buying into the Middle Class: Residential Segregation and Racial Formation in the United States, 1920-64" (Ph.D. diss., University of Chicago, 1999); *Shelley v. Kramer*, 334 U.S. 1 (1948).

the passage of the federal Fair Housing Act in 1968 that residential patterns began to change in earnest.

Public Accommodations

With regard to public accommodations, the record of Asian American experiences and attempts to desegregate these spaces is still unclear. In James Loewen's account of the Chinese in Mississippi, he describes considerable progress on the part of the Chinese to gain greater access and acceptance in Mississippi society during the twentieth century, but also writes that at the time of publication (1971), most country clubs and civic clubs were closed to them.[30] Loewen writes,

> By persuasion, through trusted intermediaries and on their own, the Chinese began to make progress. More and more white institutions opened their doors to Chinese Mississippians. Small-town churches and some congregations recruited Chinese to full membership. In Greenville and Clarksdale, public accommodations, especially transportation and restaurants, were the next to break. Barbershops came later.[31]

The circumstances in the North and West may have been much different, however there are few accounts detailing Asian American efforts in this arena.

What might be more interesting and rarely discussed is the role that Asian proprietors played in the desegregation of public accommodations for their own communities as well as for African Americans. In Loewen's study of Mississippi, the author finds that the Chinese stores were often "the only integrated milieux in the Delta," where African Americans and working class whites could both inhabit the same spaces to purchase their goods or sit around and socialize. Loewen describes some small towns as having only one "downtown" business area where the Chinese stores might be located and are patronized by blacks and whites.[32] Quintard Taylor, in his study of Japanese Americans and African Americans in Seattle, writes that "if the owners of white restaurants, hotels, and movie theaters shunned black patronage, the Asian entrepreneurs welcomed it." Taylor goes on to note: "Japanese grocers provided food, hotel owners offered rooms at affordable prices, southside Japanese restaurants welcomed working class black customers when other establishments turned them away, and one café near the railroad depot developed a menu of 'soul food' to entice porters and ship stewards."[33]

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[30] Loewen, *Mississippi Chinese*, 93-113.

[31] Ibid., 93.

[32] Ibid., 61, 97.

[33] Quintard Taylor, "Blacks and Asians in a White City: Japanese Americans and African Americans in Seattle, 1890-1940," *Western Historical Quarterly* 22 (November 1991), 413-414. Though Taylor says that evidence is mixed on the question of whether the Japanese discriminated against blacks, many of his informants remember Japanese restaurants as less discriminatory than white establishments and for ". . . the ones that had the hotels around Jackson Street, you can always find a place to live." Taylor, 426-427

In the study of civil rights in public accommodations, the inclusion of Asian Americans broadens and deepens the story. Because the ways in which Asian Americans fought for dignity and equality in American society does not always look the same as the battles waged by other groups, this does not mean that they did not participate in the same struggles. In fighting for their place in American society, Asian Americans used the courts to argue for their right to immigrate and to gain citizenship. They battled against segregated schools and housing, and the ability to pursue their livelihoods under equal protection of the law. Under circumstances in which their communities bore the brunt of bitter hostilities and harsh exclusion, Asian Americans were able to sustain themselves by establishing parallel and alternative institutions to serve their own needs. As community members who were able to carve out a niche in limited occupational areas, Asian Americans were able to secure their own survival. In the process, they made their unique contributions to American society and in significant ways changed the dynamic of racial interaction in the nation.

NATIONAL HISTORIC LANDMARKS REGISTRATION GUIDELINES

In the *Historical Dictionary of the Civil Rights Movement*, author Ralph Luker writes, "The movement captured the nation's attention episodically; it retains it relentlessly."[1] From the perspective of the National Historic Landmarks Program, civil rights episodes that caught the nation's attention and remain engrained today may be associated with exceptionally important places that altered American race relations. While many individuals, organizations, and institutions played a role in the history of civil rights at the local and state levels, a comparatively few made a significant national impact on American civil rights history.

National Historic Landmarks designated under the *Racial Desegregation of Public Accommodations* theme study must be acknowledged to be among the nation's most significant properties associated with the constitutionality of segregating or desegregating public accommodations between 1865 and 1964. This period begins with the advent of emancipation and Reconstruction, and ends with the U.S. Supreme Court's ruling that upheld the constitutionality of the public accommodations clause (Title II) of the 1964 Civil Rights Act. Nationally significant associations and a high level of integrity are the thresholds for designation. A property must have a direct and meaningful documented association with an event or individual and must be evaluated against comparable properties associated with the theme study before its eligibility for landmark designation can be confirmed.

Criteria of National Significance

National Historic Landmarks criteria (*Code of Federal Regulations*, Title 36, Part 65.4 [a and b]) are used to describe how properties are nationally significant for their association with important events or persons. According to the criteria, the quality of national significance can be ascribed to districts, sites, buildings, structures, and objects that:

- possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture and

- possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association; and:

Criterion 1: Are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or

Criterion 2: Are associated importantly with the lives of persons nationally significant in the history of the United States; or

Criterion 3: Represent some great idea or ideal of the American people; or

Criterion 4: Embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or

[1] Ralph E. Luker, *Historical Dictionary of Civil Rights Movement* (Lanham, Md.: The Scarecrow Press, Inc., 1997), vii.

that represent a significant, distinctive and exceptional entity whose components may lack individual distinction; or

Criterion 5: Are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or

Criterion 6: Have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation of large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

Because the history of civil rights is associated with events and individuals, rather than architecture, National Historic Landmarks designated under the *Racial Desegregation of Public Accommodations* context will be eligible under Criteria 1 (events) and/or 2 (individuals) as follows:

Criterion 1

National Historic Landmarks Criterion 1 recognizes properties associated with events important in the broad national patterns of U.S. history. These can be specific one-time events or a pattern of events that made a significant contribution to the development of the United States. Four chronological patterns of events within American civil rights history contain existing and potential National Historic Landmarks associated with racial discrimination in public accommodations: 1) Reconstruction and Repression, 1865-1900; 2) Rekindling Civil Rights, 1900-1941; 3) Birth of the Civil Rights Movement, 1941-1954; and 4) The Modern Civil Rights Movement, 1954-1964. Places nationally significant in the history of public accommodation discrimination are most often closely associated with milestones in the interpretation of the U.S. Constitution, passage of federal legislation, intervention by the Executive Branch, and nonviolent strategy by grassroots organizations to gain equal access to public accommodations. An overview of crucial developments and milestones in the above eras and how an associated property may have national significance are described below:

1. Reconstruction and Repression, 1865-1900

During this era, emancipation and Reconstruction gave way to both the removal of federal troops from southern states in 1877 and the constitutional approval of segregated public accommodations. Although major federal legislation sought to grant equal standing under the law to African Americans, the U.S. Supreme Court sanctioned the "badge of inferiority" which the state and local governments had placed on black Americans. Rights to equality first surfaced when Congress gave blacks citizenship through the Civil Rights Act of 1866 and the Fourteenth Amendment ratified by the states in 1868, along with equal access to public transportation and accommodations through the Civil Rights Act of 1875. These rights became limited in 1883 when the U.S. Supreme Court found the Civil Rights Act unconstitutional because the Fourteenth Amendment gave Congress the power to restrain states, but not private individuals, from acts of racial discrimination. Lacking a federal civil rights statute, blacks turned to the Interstate Commerce Act passed by Congress in 1887 that forbade "personal discrimination." Hence, transportation became the legal focal point for probing the constitutionality of segregated

accommodations. For the next three years the U.S. Supreme Court deemed segregated accommodations lawful under the Commerce Clause (Article 1, Section 8) of the Constitution. Ultimately in 1896, the Court's *Plessy v. Ferguson* decision found that state laws requiring separate but equal facilities were legal under the Fourteenth Amendment. Thus, no federal protection existed over private or state-sponsored discrimination in public accommodations.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

> Interpreting the constitutionality of the right of individuals and states to racially segregate public transportation and accommodations.

2. Rekindling Civil Rights, 1900-1941

Against the background of the Progressive Era, World War I, and the Great Depression, segregated accommodations remained legal. The U.S. Supreme Court and the Interstate Commerce Commission (ICC), established by Congress in 1887, continued to uphold the separate but equal doctrine. Segregation even reentered the federal workforce during the Wilson administration. While direct action protest against segregated accommodations generally waned between World War I and the 1930s, a changing white attitude toward discrimination and the wartime migration of African Americans from the South to the North, garnered blacks greater political strength. The Roosevelt administration then furthered black interests by creating the Civil Rights Section of the Justice Department. Additional attention to discrimination came from Eleanor Roosevelt's strong stance on promoting racial equality. Her intervention into the Daughters of the American Revolution's denial to allow contralto singer Marian Anderson to perform in their facility, Constitution Hall, was a symbolic blow to Jim Crow practices.

Other than Marian Anderson's subsequent performance on Easter Sunday, 1939, at the Lincoln Memorial (a National Park System unit), no milestones within the specific context of racial discrimination of public accommodations have been documented for the period.

3. Birth of the Civil Rights Movement, 1941-1954

This era reflects the first legal and grassroots strides made toward ending some aspects of de jure (legal) segregated transportation. Between 1941 and 1950, both the NAACP's Legal Defense and Educational Fund (LDF) and the Justice Department pursued cases in which the U.S. Supreme Court declared state-imposed discrimination unconstitutional in first class Pullman rail cars, dining cars, and interstate bus travel. Yet, segregated interstate travel remained pervasive as rail and bus companies issued their own regulations to compensate for the loss of state laws. A 1953 boycott against Jim Crow busing in Baton Rouge began an era of bus boycotts in the South. The period concluded with the U.S. Supreme Court's *Brown v. Board of Education* ruling that found segregated public schools unconstitutional. The Court would extend its logic used in *Brown* to other publicly owned facilities.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

- Interpreting a constitutional right to desegregated transportation, or

- Initiating the grassroots nonviolent direct action phase of the modern civil rights movement and serving as a model for other campaigns.

4. The Modern Civil Rights Movement, 1954-1964

During this era, segregated accommodations became illegal as nonviolent direct action campaigns forced federal intervention. In the 1950s, these campaigns began under the institution of the black church whose ministers led highly organized protests such as the Montgomery bus boycott. In 1957, these church ministers formed the Southern Christian Leadership Conference (SCLC) with Martin Luther King, Jr. as its president and nonviolence as his philosophy. In the early 1960s, a second revolutionary phase transformed the church-led movement to a student-led movement that started with the February 1960 Woolworth lunch counter sit-in and quickly spread throughout the South. Student sit-in leaders then formed the Student Nonviolent Coordinating Committee (SNCC). Both SCLC and SNCC, together with the Congress on Racial Equality (CORE, founded in Chicago in 1942), helped local communities fight for equal access to public accommodations. Between 1961 and 1963, grassroots organizations conducted prominent campaigns in Albany, Georgia, and Birmingham, Alabama; and also carried out the 1961 Freedom Ride. The campaigns garnered widespread national attention and called into question the country's democratic principles. Provoked into action by the Kennedy administration, the ICC declared that segregation must be abandoned in both interstate and intrastate bus carriers and terminals by November 1, 1961. The period ended when Congress passed the Civil Rights Act of 1964 and the U.S. Supreme Court ruled that Title II of the act, guaranteeing equal access to public accommodations, was constitutional.

A property associated with an event from this era may be eligible under Criterion 1 if the event made a significant contribution to:

Marking a new phase of the civil rights movement or a crucial strategic step in a SNCC, CORE, or SCLC campaign, or

- Establishing nonviolence training and philosophy that produced prominent student leaders of national campaigns, or was the leading training center for the civil rights movement, or
- Enforcing desegregation of transportation under the Interstate Commerce Act, or
- Directly influencing passage of the Civil Rights Act of 1964, or
- Interpreting the constitutionality of Title II of the Civil Rights Act of 1964.

Criterion 2

To be considered for National Historic Landmark designation under Criterion 2, a property must be associated with an individual who played a critical role within the *Racial Desegregation of Public Accommodations* context. The individual must have made nationally significant contributions that can be specifically documented and that are directly associated with both the public accommodations context and the property being considered. To determine a definitive national role, it will be necessary to compare the individual's contributions with the contributions of others in the same field. General guidance for nominating such properties is given in National Register Bulletin 32: *Guidelines for Evaluating and Documenting Properties Associated with Significant Persons.* While Martin Luther King, Jr. is recognized as the preeminent leader in the civil rights movement, other individuals and organizational and institutional leaders may also have played nationally critical roles within this context.

A person whose associated property may be eligible under Criterion 2 may include an individual who:

- Can be documented as a preeminent leader in desegregating public accommodations, or whose work in organizing or in nonviolent training and philosophy was vital to sustaining the protest movement across the South.
- Played a pivotal role from within an important planned campaign in the southern civil rights strategy leading to national reform.

National Historic Landmark Exceptions

Certain kinds of property are not usually considered for National Historic Landmark designation including religious properties, moved properties, birthplaces and graves, cemeteries, reconstructed properties, commemorative properties and properties achieving significance within the past fifty years. These properties can be eligible for listing however, if they meet special requirements called NHL Exceptions. The following exceptions may be anticipated in public accommodation properties:

Exception 1: Many **religious properties** are associated with the African American civil rights movement as gathering places. To be eligible for consideration, churches must derive their primary national significance from their roles in the movement as meeting places.

Exception 4: A **birthplace, grave, or burial** would be considered for designation if it is for a historical figure of transcendent national significance and no other appropriate site, building, or structure directly associated with the productive life of that person exists.

Exception 8: A portion of the modern civil rights movement occurred within the last fifty years. Normally, **a property that has achieved national significance within the last fifty years** is not eligible for National Historic Landmark designation. However, some events of this time period may have made these properties of extraordinary national importance and therefore eligible for National Historic Landmark designation.

Integrity

Properties considered for National Historic Landmark designation must meet one of the National Historic Landmark criteria identified above and meet any relevant National Historic Landmark exceptions. In addition, the property must retain a high degree of integrity. Integrity is defined as the ability of a property to convey its significance. The seven aspects or qualities of integrity are: location, design, setting, materials, workmanship, feeling, and association. All properties must retain the essential physical features that define both *why* a property is significant (criteria and themes) and *when* it was significant (periods of significance). These are the features without which a property, such as a courthouse or early twentieth century church, can no longer be identified. For National Historic Landmark designation, properties must possess these aspects to a high degree. The following is a description of the aspects of integrity and special issues that may be anticipated with public accommodation properties.

Location is the place where the historic property was constructed or the event occurred. Any public accommodation property that has been moved is unlikely to be eligible for consideration. However, some public accommodation properties were constructed to be mobile such as a bus. Their significance is inherent in their ability to move. In most instances, they are not located where the historic event(s) with which they are associated occurred. These properties may still be able to convey their importance despite not being at the location where the event(s) took place. Thus, it is not required that movable objects be at their original location in order to retain integrity, but, they should be located in an appropriate setting.

Setting is the physical environment of a historic property. Over time the setting associated with a demonstration in a park, along a marching route, around a building, or in a downtown area may have changed. In evaluating the integrity of setting, consider the significance of the individual property and whether the setting is important in interpreting that significance. Buses, or other movable objects that have been removed from a transportation setting and are now museum objects, generally will not qualify for landmark designation.

Design is the combination of elements that create the historic form, plan, space, structure, and style of a property. This includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials. In evaluating integrity of design, changes over time that have altered the design associated with the property's historical significance should be discerned. A store may have become a restaurant, a church may have a new addition, or a train station may have been converted to a museum. In these instances, the significance of the property and whether it can still convey the event for which it is important, such as a sit-in at a lunch counter or an attempt to integrate a waiting room, should be taken into account. Design can also apply to districts and to the historic way in which the buildings, sites, or structures are related. An example is an urban area where a protest took place. Determination of integrity will require knowledge of how and where the protest occurred and if those associated public spaces and buildings can convey their historical association.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Rehabilitation of buildings over time, or bombings that occurred during the movement, may have altered materials from those present during the associated event. A property must retain the key materials dating from its period of significance to be eligible under this theme study. If a property has been rehabilitated, the historic materials and significant features must have been preserved. Repairs to properties that have been bombed may take into account any changed historic material. A new

door or windows may reflect the significance of the building and in this case a change in material may be acceptable.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history. This element is most often associated with architecturally important properties. However, it is also of importance to public accommodation properties for illustrating a time period associated with an event.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. With regard to public accommodation properties, integrity of feeling may be associated with the concept of retaining a "sense of place." For example, an early twentieth century train terminal that retains its original design, materials, workmanship, and setting will relate the feeling of its time and culture.

Association is the direct link between an important historic event or person and a historic property. In public accommodations this will be where judicial rulings, planned protests, meetings, training, and discrimination incidents occurred.

Comparison Evaluation

Finally, each property being considered for National Historic Landmark designation must be evaluated against other properties bearing a similar nationally significant association. Comparing properties associated with the same event provides the basis for determining which sites have an association of exceptional value or quality in illustrating or interpreting the history of discrimination in and desegregation of public accommodations.

METHODOLOGY

Creating the Context

The National Park Service partnered with the Organization of American Historians whose civil rights scholars prepared the theme study's historic context. The scholars were charged with producing a chronological story of the African American, Hispanic, and Asian American experience in gaining equal access to public accommodations. Not included in this study is the American Indian experience (including Alaska Natives and Native Hawaiians). For this group, access to public accommodations was of less significance than other civil rights issues as acknowledged in the National Park Service study, *Civil Rights in America: A Framework for Identifying Significant Sites* (2002, revised 2008), which in turn recommended that, subject to available funding, a civil rights study of the unique American Indians story be undertaken.

Essays were prepared in sufficient depth to support the relevance, relationships, and national importance of places to be considered for National Historic Landmark designation according to the following aspects:

- economic, social, judicial, and political forces related to the topic,
- significance of individuals and events crucial or definitive to the story, and
- places associated with these individuals and events.

Inventory Search for Sites Recognized as Historically Significant

A list of existing landmarks associated with public accommodations was compiled using the inventory contained in *National Landmarks, America's Treasures: The National Park Foundation's Complete Guide to National Historic Landmarks* (2000) under the topic of civil rights. For the purposes of comparison and potential National Historic Landmark consideration, African American properties listed in the National Register were located using the inventory contained in *African American Historic Places* (1994). Hispanic and Asian American sites on the National Register were searched using the National Register Information System (NRIS) for the period from 1925-1965 when newly formed national organizations and communities sought relief from social injustice.

Archival Sources

To gain additional perspective and scholarly opinions within which to evaluate events and properties, National Park Service staff conducted intensive research using primary and secondary sources. For general overviews, *The Historical Dictionary of the Civil Rights Movement* by Ralph Luker, and *The ABC-CLIO Companion to the Civil Rights Movement* by Mark Grossman provided capsule summaries of individuals, cases, and events from the post Civil War period to the mid-1960s. In the area of public transportation, Catherine Barnes's *Journey from Jim Crow: The Desegregation of Southern Transit* served as the single best source for the legislative, judicial, and social aspects of the segregation and desegregation of public transportation in the South. For the 1961 Freedom Ride, John Lewis's *Walking with the Wind* and James Peck's *Freedom Ride* served as important resources.

For legal aspects of both public transportation and public accommodations, Kermit L. Hall's (ed.), *The Oxford Companion to the Supreme Court of the United States* placed court rulings within judicial and social contexts. A useful article on the history of sit-in cases (including a

listing of every case the Supreme Court heard between 1957 and 1967) was "A Model for Judicial Policy Analysis: The Supreme Court and the Sit-In Cases," in the *Frontiers of Judicial Research* edited by Joel B. Grossman and Joseph Tanenhaus. *Unlikely Heroes* by Jack Bass provided the story of the U.S. Fifth Circuit of Appeals in southern racial discrimination rulings. As a primary source, the U.S. Supreme Court opinions on transportation and public accommodations cases provided place descriptions, case background, and Court attitudes.

Important sources for gaining student-led and national perspectives were David Halberstam's *The Children*, Taylor Branch's *Parting the Waters: America in the King Years, 1954-63*, C. Vann Woodward's *The Strange Career of Jim Crow*, and Steven Lawson's and Charles Payne's *Debating the Civil Rights Movement.* On the grassroots strategy, an important work of the civil rights movement immediately following the *Brown* decision was Aldon Morris's *The Origins of the Civil Rights Movement.* Sources on the Birmingham protests included Glenn T. Eskew's *But for Birmingham*, Andrew M. Manis's *A Fire You Can't Put Out*, Diane McWhorter's *Carry Me Home*, Marjorie L. White's *Freedom Walk,* and *Birmingham Revolutionaries* edited by Marjorie L. White and Andrew M. Manis.

Based on the historic context and the above archival sources, data was compiled to assist in identifying associated property types and establishing national significance levels as contained in Appendices A-C. Appendix A includes a chronological list of selected local/national movements used to identify trends and compare outcomes of the grassroots movement from the mid-1950s to 1963. Appendix B provides a chronology of the May 1961 Freedom Ride used to identify events and property. Lastly, Appendix C contains a compilation of associated federal actions used to compare the impact of judicial rulings on the civil rights movement and identify associated properties and property types.

Site Verification and Integrity

National Park Service staff directly contacted State Historic Preservation Offices to verify the existence of sites. Staff also conducted site visits, primarily to geographical areas with a concentration of properties. Sites visited included properties associated with the 1961 Freedom Ride in Alabama and Mississippi; a train terminal in Richmond, Virginia associated with an NAACP desegregation case; several sites in Birmingham, Alabama associated with that city's early movement and the 1963 protests; the former Highlander Folk School in Monteagle, Tennessee; and Clark Memorial Baptist Church in Nashville, Tennessee associated with nonviolent training.

Peer Review

This study was made available for national and state level review and for scholarly peer review. Those contacted for review included all National Park Service staff in the National Register of Historic Places and National Historic Landmarks Programs; National Park Service historians with expertise in African American history; grassroots civil rights organizations; and all State, Federal, and Tribal Historic Preservation Officers. Three historians conducted scholarly peer reviews: Drs. Vicki Ruiz, professor of history and Latino studies, University of California, Irvine; Charles Vincent, professor of history, Southern University and A&M College; and Robert Pratt, associate professor of history, University of Georgia.

SURVEY RESULTS

This section identifies properties associated with events considered nationally significant within the history of racial desegregation of public accommodations. These properties are divided into three categories: 1) Properties Recognized as Nationally Significant, 2) National Historic Landmarks Study List, and 3) Properties Removed from Further Study. The properties are further divided within each category according to the respective civil rights era established in the Registration Guidelines. Each listing notes the property name and location (shown in **bold**), the property's associated event or individual (shown in *italics*), and a statement of the property's significance. Properties are cross-referenced respectively in Tables 1 to 3 of this section. This is not an exhaustive list of properties that may be considered for designation under this study.

PROPERTIES RECOGNIZED AS NATIONALLY SIGNIFICANT

All of these nationally significant properties represent the Modern Civil Rights era of 1954-1964, with the exception of the Lincoln Memorial, which is also associated with the Rekindling Civil Rights era of 1900-1941.

Dexter Avenue Baptist Church, Montgomery, Alabama (NHL, 1974)
Montgomery Bus Boycott (1955-1956)
Martin Luther King, Jr.

This church played a pivotal role in the 1950s struggle for civil rights. After Rosa Parks was arrested for refusing to obey segregationist policy requiring her to sit in the rear of a city bus, the Montgomery Improvement Association formed and chose this church's pastor, Martin Luther King, Jr., as its president. The association held its meetings in this church and successfully organized the boycott of the city's buses from December 1955 to December 1956. The long strike forced integration of the city's buses. The Montgomery Bus Boycott, heralded the modern civil rights movement's era of direct action.

Bethel Baptist Church, Parsonage, and Guard House
Birmingham, Alabama (NHL, 2005)
1950s Church-led Movement
Freedom Ride (May 1961)

The church, parsonage, and a private residence known as the guardhouse are significant in both the evolution of the 1950s church-led civil rights movement and the 1961 Freedom Ride. In the 1950s, the Alabama Christian Movement for Human Rights (ACMHR), headquartered in Bethel from 1956-1961, attacked multiple aspects of segregation in what became a model for the 1963 Birmingham Movement. During the 1961 Freedom Ride, the church and parsonage became places of refuge for wounded and stranded riders rescued by ACMHR members. From here activist Reverend Fred Shuttlesworth coordinated with the Student Nonviolent Coordinating Committee (SNCC) and the Kennedy administration to continue the ride to Montgomery.

Lincoln Memorial, Washington, D.C.
(NPS Unit, 1966)
Marian Anderson concert (1939)
March on Washington (1963)

The Lincoln Memorial is associated with two civil rights events that have come to symbolize the demand for equal rights. First, on Easter Sunday, 1939, Marian Anderson performed in concert on the grounds of the memorial, as arranged by Eleanor Roosevelt, after the Daughters of the American Revolution denied Anderson the right to perform at their facility, Constitution Hall. The event was seen as a symbolic blow to Jim Crow segregation. Second, in the 1963 March on Washington, Martin Luther King, Jr. delivered his "I Have a Dream" speech from the monument.

Martin Luther King, Jr. Historic District
Atlanta, Georgia (NHL, 1974)

This district honors the nation's most prominent leader in the mid-twentieth century struggle for civil rights. The district includes King's birthplace, the church he pastored, and his grave.

Martin Luther King, Jr. National Historic Site and Preservation District, Atlanta, Georgia (NPS Unit, 1980)
This unit of the National Park System focuses on King's early life and development and his roles in the founding of the SCLC and the civil rights movement. The site includes the Martin Luther King, Jr. Historic District (above).

Sixteenth Street Baptist Church
Birmingham, Alabama (NHL, 2006)
Birmingham Movement (April-May 1963)

This church served as the organizational and staging background for the Easter Sunday children's march to integrate public accommodations. The event proved to be one of the most dramatic confrontations with segregation in the nonviolent movement. Four months later, vigilantes bombed the church, killing four girls. Events in Birmingham garnered national and international empathy for the civil rights movement and spurred the passage of the Civil Rights Act of 1964.

NATIONAL HISTORIC LANDMARKS STUDY LIST

Properties on this study list appear to have strong associations with nationally significant events within the racial desegregation of public accommodations context. Therefore, this study recommends that these properties be evaluated to determine their relative significance and integrity for National Historic Landmark nomination. As noted in the registration guidelines, all evaluations must develop a full context associated with their respective significance, assess high integrity, and compare the subject property with others that share the same significance.

These properties are associated with two eras of civil rights history: Birth of the Civil Rights Movement (1941-1954), and the Modern Civil Rights Movement (1954-1964). No properties associated with the earlier era of Reconstruction and Repression (1865-1900) were found to be extant, and no properties were identified for the Rekindling Civil Rights era (1900-1941) other than the already nationally recognized Lincoln Memorial. Each entry indicates a property's integrity to the extent known at the time of this study. Future evaluation may reveal that a property did not have, or has since lost, the high degree of integrity required for landmark consideration.

Birth of the Civil Rights Movement, 1941-1954

Mount Zion Baptist Church, Baton Rouge, Louisiana
Baton Rouge Bus Boycott (1953)
A 1953 bus boycott in this city provided a successful model for other mass bus boycotts, including the 1955-56 Montgomery Bus Boycott, and began the direct action phase of the modern civil rights movement. The boycott forced a compromise for mixed seating in all but the two front seats and the rear bench seat reserved for whites and blacks respectively. Although this church may have been under construction in 1953, church pastor Reverend Theodore J. Jemison, who led the boycott from June 18-25, 1953, confirmed that boycott meetings were held here. Other properties where mass meetings were held, such as Memorial Stadium, should be compared with the church. *Church has a 1953 cornerstone and may have undergone expansion.*

The Modern Civil Rights Movement, 1954-1964

Properties of this era are associated with four milestones of the Modern Civil Rights Movement: the 1960 Student Sit-In Movement, the 1961 Freedom Ride, the 1961-1962 Albany Movement, and the 1963 Birmingham Movement.

1960 Student Sit-In Movement

F. W. Woolworth, Greensboro, North Carolina (National Register listed, Downtown Greensboro Historic District, 1982)
Sit-in Movement (1960)
The student-led sit-in started in this building on February 1, 1960, and began the nation's sit-in movement to integrate lunch counters and restaurants. Youths participating in the movement across eight southern states ushered a new phase to the national civil rights movement.

Integrity issues include the property's redevelopment as a museum and removal of a portion of the lunch counter on exhibit at the Smithsonian Institution's National Museum of American History.

1961 Freedom Ride

Initiated by the Congress on Racial Equality (CORE) and carried through by the Student Nonviolent Coordinating Committee (SNCC), black and white riders tested the Supreme Court's decisions outlawing segregated interstate transportation. Ensuing mob violence and rioting by white segregationists forced the Kennedy administration to provide protection along the ride route and exert pressure on the Interstate Commerce Commission (ICC) to implement its ban on segregated interstate transportation. Consideration should be given to a potential National Historic Landmark linear historic district tracing the Freedom Ride route connecting Anniston, Birmingham, and Montgomery, Alabama and Jackson, Mississippi. Associated properties below are listed in chronological order. Appendix B contains a more detailed chronology of the ride.

Greyhound Bus Station, Anniston, Alabama
Freedom Ride (May 14, 1961)

The first violent episode covered in the national media occurred after the bus arrived at this station when mobs attacked the bus and slashed the tires. Subsequently, the bus broke down along the highway and was firebombed. Riders were rescued by members of Reverend Fred Shuttlesworth's Alabama Christian Movement for Human Rights (ACMHR) and driven to Bethel Baptist Church and parsonage in Birmingham (the designated contact point for the Alabama portion of the Freedom Ride). *Although the building has been adapted to a new use, its exterior appears to retain a high degree of integrity. (The American Civil Rights Museum in Nashville, Tennessee displays the charred remains of the burned Greyhound bus.)*

Trailways Bus Station, Anniston, Alabama
Freedom Ride (May 14, 1961)

A second Freedom Ride bus, carrying an interracial group of CORE students, arrived at this station. Once again, no riders disembarked as hoodlums boarded the bus, beat some riders, and segregated all the passengers. The intruders remained on the bus for the ride to Birmingham where mobs attacked both the riders and waiting newsmen. *Although adapted to a new use, the property's exterior appears to retain a high degree of integrity. (The Birmingham Trailways bus station is no longer extant.)*

Greyhound Bus Station, Birmingham, Alabama
Freedom Ride (May 15, 17, and 20, 1961)

Despite efforts by Attorney General Robert F. Kennedy to gain safe passage for CORE's riders, no bus driver became available, and CORE disbanded the Freedom Ride. Rather than allowing violence to end the ride, SNCC took over responsibility. Its members arrived at this bus station on May 17, at which point police took them into the bus station and arrested them. To rid the city of the riders, Police

Commissioner Bull Connor drove them to the Tennessee border, but the riders found passage back to the Bethel Baptist Church and parsonage. After the Kennedy administration arranged police and highway patrol protection, a bus left this station on May 20, to take the riders to the Montgomery city limits. *This property remains a bus station and appears to retain a high degree of integrity*.

First Baptist Church, Montgomery, Alabama
Freedom Ride (May 21, 1961)
Reverend Ralph Abernathy

During a mass meeting on May 21, white segregationists trapped the Freedom Riders, Ralph Abernathy, Martin Luther King, Jr., and others in the church. From the church, King conferred with Attorney General Robert F. Kennedy to gain safe release of church goers. Martial law was declared. The church may also be significant for its association with Reverend Ralph Abernathy, who, with Martin Luther King, Jr. and others, organized the Montgomery Improvement Association in 1955 to support the Montgomery Bus Boycott. Abernathy also participated in organizing the Southern Christian Leadership Conference (SCLC) in 1957, and with King, planned and executed SCLC's most critical campaigns. *This property appears to retain a high degree of integrity.*

Greyhound Bus Station, Jackson, Mississippi
Freedom Ride (May 24, 1961)

This station was the final destination of the May 1961 Freedom Ride. Police arrested riders arriving from Montgomery when they attempted to integrate both the station's segregated waiting area and lunchroom. Freedom Rides continued until November 1961 when the Kennedy administration urged the ICC to enforce its ban on segregated interstate transportation. *Building exterior appears to retain a high degree of integrity, however loss of bus bays should be assessed. Building interior has been remodeled and primary research is needed to determine integrity.*

1961-1962 Albany Movement

Mount Zion Church, Albany, Georgia (National Register listed, 1995)
Shiloh Church, Albany, Georgia
Albany Movement (November 1961 to August 1962)

After the ICC ordered the desegregation of interstate travel facilities, SNCC tested a bus station in Albany, Georgia and found it to be non-compliant. As students continued testing facilities, the city's African American community organized a broad attack on all forms of segregation and requested assistance from Martin Luther King, Jr., and the SCLC. From December 1961 to August 1962, the Albany Movement

succeeded in galvanizing the black community. However, the city's white power structure provided no concessions and enforced order. Although the campaign garnered national attention, the federal government did not intervene with troops or marshals. Nonetheless, the Albany Movement is recognized as a crucial testing ground for the 1963 Birmingham Movement (and SNCC's broader campaign in Mississippi's 1964 Freedom Summer). Meetings to plan the first major test of nonviolent direct action against segregation by SNCC and SCLC took place in these churches. Research should compare each church's participation in the movement to ascertain landmark eligibility. The integrity of Shiloh is unknown. The Mount Zion Church shown here is now a civil rights museum and any alterations are unknown.

1963 Birmingham Movement

Birmingham Civil Rights Historic District (National Register listed, 2006)
Birmingham Movement (April-May 1963)
The violent and nationally televised 1963 Birmingham protests garnered national and international empathy for civil rights and led to the passage of the Civil Rights Act of 1964. The city became the focus of SCLC's nonviolent direct action campaign against segregation. After being arrested here, King wrote his famous "A Letter from Birmingham Jail," a justification for nonviolent direct action. The protest climaxed when the children's Easter Sunday march captured the nation's attention as Police Chief Bull Connor directed dogs and fire hoses on the children. The day after the children's march, the Kennedy administration intervened. On May 10, a settlement was announced. *Consideration should be given to a more intensive study of a potential Birmingham Civil Rights National Historic Landmark district that relates directly to these nationally significant associations.*

Gaston Motel, Birmingham, Alabama
Birmingham Movement (April-May 1963)
This motel served as SCLC's headquarters, staging area, and press conference area during the 1963 Birmingham campaign. On May 11, Klansmen bombed the motel. *Additional research is needed to determine integrity.*

PROPERTIES REMOVED FROM FURTHER STUDY

This category describes places associated with events that no longer exist or which lack the high integrity needed for landmark designation. It also lists events for which no property has been located. Events having no associated property are included for the benefit of future researchers.

Reconstruction and Repression, 1865-1900

Maguire's Theater, San Francisco, California
Nichol's Inn, Missouri
Grand Opera House, New York, New York
Inn, Kansas
Tennessee Parlor Car
Civil Rights Cases (1883)
The above properties are associated with the combined *Civil Rights Cases* brought forth by the federal government to test the public accommodations language of the Civil Rights Act of 1875. In its decision, the U.S. Supreme Court ruled that the Fourteenth Amendment gave Congress the power to restrain states, but not individuals, from acts of racial discrimination and segregation. This decision hampered the Supreme Court from ruling against private discrimination under the equal protection clause of the Fourteenth Amendment, essentially mandated the removal of the federal government from civil rights enforcement, and solidified southern segregation until passage of the Civil Rights Act of 1964. *No property is known to exist.*

Railroad Property
Louisville, New Orleans & Texas Railway v. Mississippi (1890)
The U.S. Supreme Court upheld a Mississippi statute requiring segregation on trains traveling through the state after the railroad sued to stop infringement on interstate travel. This ruling was opposite that made in *Hall v. DeCuir* (1878) where the Court found that only Congress could regulate interstate travel. This ruling maintained a major role for the states in the issue of individual rights. *No property identified.*

East Louisiana Railway Station, New Orleans, Louisiana
Plessy House, Louisiana
John Marshall Harlan House (Judge), Washington, D.C.
Plessy v. Ferguson (1896)
In this case, the U.S. Supreme Court established the constitutionality of the separate but equal doctrine whereby equal facilities for blacks and whites represented equal protection of the law. As a test case to challenge equal but separate accommodations for blacks and whites, the *Plessy* decision came to serve as the constitutional foundation for a Jim Crow system. *No properties associated with this case were found to exist under The U.S. Constitution National Historic Landmark Theme Study* (1986).

Rekindling Civil Rights, 1900-1941

(no properties)

Birth of the Civil Rights Movement, 1941-1954

Rock Island & Pacific Railway Car
Mitchell v. U.S. (1941)
The U.S. Supreme Court's decision in this case ended de jure segregation in first class rail for interstate travel and upheld the right of an individual to sue for discrimination. The plaintiff in

this case was black congressman Arthur Mitchell who sued after he was ordered from the first class car to the second class Jim Crow car. Even though the Justice Department was a defendant in the case, it sided with the plaintiff's claim of discrimination in what became the first indication of the Executive Branch's support in civil rights cases. *Specific rail cars associated with the case are unknown.*

Greyhound Bus
Morgan v. Commonwealth of Virginia (1946)
In this case, the U.S. Supreme Court banned segregation in interstate transportation. The black plaintiff in this case sued after a bus driver evicted her in Saluda when she refused to vacate her seat for a white couple. It was this decision that the Fellowship of Reconciliation (FOR) tested in its 1947 Journey of Reconciliation bus trip (first Freedom Ride) through the Upper South. Regardless, segregated transportation continued in the South as rail and bus lines used their own segregation regulations to replace state segregation statutes for interstate travel. *Specific bus associated with this event is unknown.*

Southern Railway Dining Car
Henderson v. U.S. (1950)
In this case, the Supreme Court desegregated railroad dining cars. The railway had denied the black plaintiff a seat at a dining table reserved for blacks because whites were seated at the table. Even though the Justice Department asked the court to end segregation on interstate railroads, the Court avoided the constitutional issue and decided the case under the issue of equality in the Interstate Commerce Act. The government and the NAACP combined *Henderson* with two professional and graduate school desegregation cases (*McLaurin v. Oklahoma State Regents for Higher Education* and *Sweatt v. Painter*) in a broad attack on segregation. *Specific railcar is unknown.*

The Modern Civil Rights Movement, 1954-1964

Highlander Folk School, Monteagle, Tennessee
Civil Rights Training (1950s-1961)
Septima Poinsette Clark

Founded in 1932 and serving as a center for labor education in the South, this school became a training center for the civil rights movement in the mid-1950s with attendees such as Martin Luther King, Jr., Rosa Parks, and prominent student leaders. Following government investigations in the late 1950s, the school's charter was revoked and the school closed in December 1961. The property was then auctioned off. The school is also associated with Septima Poinsette Clark, "Queen mother of the civil rights movement" and the school's director of education. *This property no longer retains integrity due to interior and exterior alterations.*

Broad Street Station, Richmond, Virginia (National Register listed, 1972)
NAACP et al. v. St. Louis San Francisco Railway Company et al. (1955)
The Broad Street Station represents the first time the NAACP challenged segregated dining and waiting rooms in rail terminals and was the first case in which the Interstate Commerce Commission (ICC) rejected the separate but equal doctrine in more than sixty years. Participation by the Justice Department in this case reflected the Eisenhower administration's

civil rights efforts where its jurisdiction was clear under the commerce clause. The station was previously listed in the National Register for its architectural significance. *The building interior no longer retains integrity for consideration as a National Historic Landmark under this theme study*.

Carolina Coach Company Bus
Keys v. Carolina Coach Company (1955)
On the same day the ICC heard the above *NAACP et al.* case, the agency also struck down separate but equal seating on public transportation. The ICC based its decision on *Morgan v. Commonwealth of Virginia* (1946) and *Brown v. Board of Education* (1954). A U.S. brief filed in the case, along with the *NAACP et al.* case, signified Executive Branch support for ending segregation that, like public schools, signified the inferior status of blacks. In this case, Sarah Keys filed suit after she was jailed and later convicted on a charge of disorderly conduct because she refused to move to the back of the bus and was evicted in Roanoke Rapids, North Carolina. *Specific associated bus is unknown.*

Birmingham City Bus
Montgomery Bus Boycott (1955-1956)
On December 1, 1955, civil rights activist Rosa Parks was arrested and jailed after refusing to give up her seat to a white passenger. The incident led to the organization of the Montgomery Improvement Association and the year-long Montgomery Bus Boycott, a watershed in the modern civil rights movement because of its massive scale, duration, and success. *Specific associated bus is unknown. Although the Henry Ford Museum in Dearborn, Michigan, claims to have this bus in its collection, the Alabama SHPO does not verify this.*

Clark Memorial United Methodist Church, Nashville, Tennessee
Nonviolent Workshop Training (1958-1959)

Between 1958 and 1959, pastor and prominent civil rights activist James Lawson conducted weekly nonviolence training in this church that produced future student leaders Diane Nash, James Bevel, and John Lewis who figured prominently in such events as the 1961 Freedom Rides and the 1963 Birmingham protests. These events and this training effectively led to federal government intervention needed to restore civil rights to African Americans. *This property no longer retains a high degree of integrity due to a modern addition that obscures the building where the training was held.*

Memorial Auditorium, Shaw University, Raleigh, North Carolina
Ella Baker, SNCC Founding (1960)
Leading civil rights activist Ella Baker's philosophy of a broad-based leadership led to the creation of SNCC on April 15, 1960, in this auditorium at Baker's alma mater. In the area of public accommodations, SNCC activists were critical to sustaining the Freedom Rides and coordinating student protests in the South. *This building no longer retains integrity.*

Trailways Bus Station, Richmond, Virginia
Boynton v. Virginia (1960)
This bus station is associated with the U.S. Supreme Court's ruling tested by CORE on its 1961 Freedom Ride. The Court found the Motor Carrier Act prohibited segregated bus terminals, thus extending its *Morgan v. Commonwealth of Virginia* (1946) ruling that prohibited segregation on buses. In the *Boynton* case, a Howard University law student had been arrested and charged with trespassing after refusing to move from the white section to the black section of the terminal's privately owned restaurant. *This property has been demolished.*

Greyhound Bus Station, Montgomery, Alabama
Freedom Ride (May 20 and 24, 1961)

A critical moment in the Freedom Ride took place at this station. After a Freedom Ride bus from Birmingham lost its police protection at the Montgomery city line and arrived at the station, mobs violently attacked the riders, a federal agent, and news people. On May 24, the ride continued to Jackson, Mississippi, once again under protection of federal marshals and state police. The building is owned by the U.S. General Services Administration and is leased by the Alabama Historical Commission. *The building initially appeared to no longer retain high integrity due to building and setting modifications. The façade may have since been restored and an exterior Freedom Ride exhibit was installed in May 2008. A National Register nomination is being prepared and should be reviewed for any new information regarding integrity.*

Trailways Bus Station, Birmingham, Alabama
Freedom Ride (May 14, 1961)
During the 1961 Freedom Ride, riders on a bus arriving from Anniston, Alabama, along with waiting newsmen, were attacked by mobs at this station. Thereafter, CORE decided to end the ride. *This property has been demolished.*

Trailways Bus Station, Montgomery, Alabama
Freedom Ride (May 24, 1961)
After CORE ended the ride, SNCC decided to resume the ride and sent riders to Birmingham who traveled to Montgomery and were beaten by mobs. Attorney General Robert Kennedy then consulted with Alabama and Mississippi authorities to arrange an armed escort for twelve Freedom Riders and sixteen reporters on the 258-mile ride to Jackson. (A second unescorted bus left from the Greyhound station 4 hours later.) *This property has been demolished*.

Kelly Ingram Park, Birmingham, Alabama (National Register listed under the name West Park, 1984)
Birmingham Movement (April-May 1963)

This park served as the staging background of the May 1963 Easter Sunday children's march to integrate public accommodations. The march resulted in one of the most dramatic confrontations in the history of civil rights, and

contributed to the passage of the Civil Rights Act of 1964. *The loss of a high degree of integrity with the transformation of this park from open space into a commemorative space with walkways and statutes makes the park ineligible for individual NHL designation. However, the park may be a contributing resource of a Birmingham Civil Rights Historic District (see National Historic Landmarks Study List) that must retain a high degree of integrity as a whole.*

Heart of Atlanta Motel, Atlanta, Georgia
Heart of Atlanta Motel v. United States (1964)
In this decision, the U.S. Supreme Court upheld the constitutionality of Title II (the public accommodations clause) of the Civil Rights Act of 1964. Plaintiffs claimed that in being forced to admit patrons they were denied due process in commerce under Article I of the Constitution. The Court ruled that Title II did not interfere with the commerce clause, and was therefore constitutional. *This property has been demolished.*

Ollie's Barbecue, Birmingham, Alabama
Katzenbach v. McClung (1964)
Along with the *Heart of Atlanta Motel* case, the Court ruling in *Katzenbach* upheld the constitutionality of Title II of the Civil Rights Act of 1964. The U.S. government sued Ollie's Barbecue for compliance under Title II, for refusing to serve African American patrons inside. *This property has been demolished.*

Table 1. Properties Recognized as Nationally Significant

The properties listed below have either been designated by the Secretary of the Interior as a National Historic Landmark (NHL) or established by Congress as a unit of the National Park System.

Property	Associated Event/Individual
The Modern Civil Rights Movement, 1954-1964	
1. Dexter Avenue Baptist Church Montgomery, Alabama (NHL, 1974)	1955-56 Montgomery Bus Boycott Martin Luther King, Jr.
2. Bethel Baptist Church, Parsonage, and Guardhouse Birmingham, Alabama (NHL, 2005)	1961 Freedom Ride Early modern civil rights movement
3. Lincoln Memorial Washington, D.C. (National Memorial, 1966)	Site of singer Marian Anderson's 1939 performance. 1963 March on Washington
4. Martin Luther King, Jr. Historic District Atlanta, Georgia (NHL, 1974)	Martin Luther King, Jr.
5. Martin Luther King, Jr. National Historic Site and Preservation District Atlanta, Georgia (NHS, 1980)	Martin Luther King, Jr.
6. Sixteenth Street Baptist Church Birmingham, Alabama (NHL, 2006)	1963 Birmingham protests and bombing.

Table 2. National Historic Landmarks Study List

These are properties recommended for further study for National Historic Landmark consideration. This is not an exhaustive list of properties that may be eligible for consideration.

Property	Associated Event/Individual
Birth of the Modern Civil Rights Movement, 1941-1954	
Mount Zion Baptist Church Baton Rouge, Louisiana	1953 Baton Rouge Bus Boycott
The Modern Civil Rights Movement, 1954-1964	
F. W. Woolworth Greensboro, North Carolina (NR listed, Downtown Greensboro Historic District, 1982)	February 1, 1960 student sit-in
Greyhound Bus Station Anniston, Alabama	1961 Freedom Ride
Trailways Bus Station Anniston, Alabama	1961 Freedom Ride
Greyhound Bus Station Birmingham, Alabama	1961 Freedom Ride
First Baptist Church Montgomery, Alabama	1961 Freedom Ride Ralph Abernathy, civil rights activist
Greyhound Bus Station Jackson, Mississippi	1961 Freedom Ride
Mount Zion Baptist Church Albany, Georgia	1961-1962 Albany Movement
Shiloh Church Albany, Georgia	1961-1962 Albany Movement
Birmingham Civil Rights Historic District Birmingham, Alabama	1963 Birmingham protests
Gaston Motel Birmingham, Alabama	1963 Birmingham protests

Table 3. Properties Removed from Further Study

This table lists properties that either no longer exist, could not be identified, or lack the high degree of integrity needed for landmark designation.

Property	Associated Event/Individual
Reconstruction and Repression, 1865-1900	
1. Maguire's Theater California	*Civil Rights Cases* (1883)
2. Nichol's Inn Missouri	*Civil Rights Cases* (1883)
3. Grand Opera House New York	*Civil Rights Cases* (1883)
4. Inn Kansas	*Civil Rights Cases* (1883)
5. Tennessee Parlor Car Tennessee	*Civil Rights Cases* (1883)
6. Railroad Property	*Louisville, New Orleans & Texas Railway v. Mississippi* (1890)
7. East Louisiana Railway Station New Orleans, Louisiana	*Plessy v. Ferguson* (1896)
8. Plessy House Louisiana	*Plessy v. Ferguson* (1896)
9. John Marshall Harlan House (Judge) Washington, D.C.	*Plessy v. Ferguson* (1896)
Birth of the Civil Rights Movement, 1941-1954	
10. Rock Island & Pacific Railway Car (unknown location)	*Mitchell v. U.S.* (1941)
11. Greyhound Bus (unknown location)	*Morgan v. Commonwealth of Virginia* (1946)
12. Southern Railway Dining Car (unknown location)	*Henderson v. U.S.* (1950)
The Modern Civil Rights Movement, 1954-1964	
13. Highlander Folk School Monteagle, Tennessee	Civil rights training, 1950s-1961 Septima Poinsette Clark, civil rights activist
14. Broad Street Station Richmond, Virginia	*NAACP et al. v. St. Louis San Francisco Railway Company et al.* (1955)
15. Carolina Coach Company Bus	*Keys v. Carolina Coach Company* (1955)
16. Birmingham City Bus	Montgomery Bus Boycott (1955-1956)
17. Clark Memorial United Methodist Church Nashville, Tennessee	Nonviolence Workshop Training, 1958-1959
18. Memorial Auditorium Shaw University Raleigh, North Carolina	Creation of SNCC, 1960 Ella Baker, civil rights activist
19. Trailways Bus Station Richmond, Virginia	*Boynton v. Virginia* (1960)
20. Greyhound Bus Station Montgomery, Alabama	1961 Freedom Ride

Property	Associated Event/Individual
21. Trailways Bus Station Birmingham, Alabama	1961 Freedom Ride
22. Trailways Bus Station Montgomery, Alabama	1961 Freedom Ride
23. Kelly Ingram Park Birmingham, Alabama	Birmingham Movement (April-May 1963)
24. Heart of Atlanta Motel Atlanta, Georgia	*Heart of Atlanta Motel v. United States* (1964)
25. Ollie's Barbecue Birmingham, Alabama	*Katzenbach v. McClung* (1964)

AREAS FOR FURTHER RESEARCH

Hispanic Civil Rights

Additional attention should be given to identifying properties associated with the Hispanic civil rights story that may be eligible for listing in the National Register of Historic Places at the local and state levels, and upon further review may warrant National Historic Landmark consideration. Many examples of places and events are described in the historic context. Grassroots and formal civil rights organizations, individuals, and direct action protests were important in desegregating public accommodations through both political and legal means. Unity Leagues and the League of United Latin American Citizens (LULAC) are examples of important organizations. A significant individual in this context is Ignacio Lutero Lopez who engineered the desegregation of public accommodations in southern California. Places associated with boycotts in southern California such as the Azusa City public park and the San Angelo performing theater are examples of types of properties associated with direct action used to end discrimination in public facilities.

Asian American Civil Rights

As this study's historic context states, documented cases of discrimination Asian Americans faced in public accommodations are limited. In addition, the history of civil rights for Asian Americans has not been well publicized, but remains an important aspect in civil rights history and much more can be documented by historians. Viewed always as "immigrants," Asian Americans suffered many of the same restrictions African Americans faced. Like Hispanics and African Americans, Asians formed their own communities for comfort and protection. Examples such as the Little Tokyo Historic District in Los Angeles and the Portland New Chinatown-Japantown Historic District in Portland, Oregon are listed in the National Register of Historic Places. A second reason for the lack of documentation is because the Asian American struggle for citizenship, immigration rights, and equal protection in economic endeavors took precedence over other types of discrimination. These areas should be explored further to identify properties eligible for listing in the National Register of Historic Places at the local and state levels, and potentially for National Historic Landmark consideration.

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APPENDIX A. CHRONOLOGICAL LIST OF SELECTED LOCAL/NATIONAL MOVEMENTS[356]

As a quick reference and comparison of movements for the benefit of future researchers, this list provides a synopsis of local and national movements contained in sources used during the course of this study.

Early Church-Led Movements

Baton Rouge, Louisiana (June 1953)
A bus boycott in this city served as a model for later bus boycotts in Montgomery, Alabama and Tallahassee, Florida. Reverend Theodore J. Jemison, pastor of the Mt. Zion Baptist Church, led the boycott from June 18 to June 25, 1953, to gain seating for blacks on a first come, first served basis. Under this system, black passengers would fill the bus from the back and whites from the front, with no specific seats reserved for whites. The boycott group became known as the Baton Rouge Christian Movement and became an affiliate of SCLC.

Montgomery Bus Boycott (December 1955–December 1956) & the Montgomery Improvement Association
This year-long bus boycott became the first major nonviolent social action of the modern civil rights era after Rosa Parks was arrested for refusing to give up her bus seat to a white passenger. Conducting the boycott was the Montgomery Improvement Association (MIA) led by Martin Luther King, Jr., pastor of the Dexter Avenue Baptist Church. The MIA became an affiliate of SCLC that formed in 1957. The Supreme Court's decision in *Gayle v. Browder* (1956) that arose from this boycott ended segregation on the city's buses.

Tallahassee, Florida (May 1956)
In May 1956, Florida A&M Students sat in the white section of a bus and were arrested for inciting to riot. Leading the subsequent bus boycott was the Inter-Civic Council (ICC) led by Reverend Charles Kenzie (C. K.) Steele, pastor of the Bethel Baptist Church. ICC became an affiliate of SCLC in 1957.

Birmingham, Alabama (June 1956–June 1961)
In this city, the Alabama Christian Movement for Human Rights (ACMHR), led by Reverend Fred Shuttlesworth, pioneered a nonviolent direct action movement to confront multiple racial segregation issues. Its strategy served as a model for the 1963 protests in Birmingham. The movement is also associated with ACMHR's support of the 1961 Freedom Ride. ACMHR became an affiliate of SCLC in 1957.

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[356] Sources included Ralph E. Luker, *Historical Dictionary of Civil Rights Movement* (Lanham, Md.: The Scarecrow Press Inc., 1997); Mark Grossman, *The ABC-CLIO Companion to the Civil Rights Movement* (Santa Barbara: ABC-CLIO, Inc., 1993); and Aldon D. Morris, *The Origins of the Civil Rights Movement* (New York: The Free Press, 1984).

Student-Led Movements

Greensboro, North Carolina (February 1960)
Even though other sit-ins had occurred in various cities from between 1957 and 1960, it was the student sit-in at Woolworth's lunch counter that launched the student sit-in movement across the South. Afterwards, eight southern states and thirty-one cities experienced sit-in demonstrations. In April 1960, leaders of the sit-in demonstrations met in Raleigh, North Carolina and formed what would become the Student Nonviolent Coordinating Committee (SNCC).

Nashville, Tennessee (September 1959-May 1960)
The movement in this city resulted in desegregating some downtown theaters and lunch counters in May 1960 and produced student leaders of the Southern movement, including Marion Barry, James Bevel, Diane Nash, John Lewis, and Bernard Lafayette, who were trained by Reverend James Lawson, a student and teacher of Ghandian nonviolence. After Lawson began training the students in September 1959, the first sit-in was conducted in November 1959 and became a movement after the February 1960 Greensboro sit-ins. Later sit-ins in Nashville at S.H. Kress and Company, Woolworth, McLellan, W. T. Grant, and Walgreens resulted in violence and arrests. Reverend Kelly Miller Smith led this group from the First Baptist Church (demolished) and the group later became an affiliate of the SCLC. A bombing of the students' attorney's home prompted a ten-mile mass biracial march to city hall leading to negotiations for desegregation.

Durham, North Carolina (August 1957-1963)
Student sit-ins occurred in 1957 at the Royal Ice Cream Store in Durham and again after the 1960 Greensboro sit-in. By 1962 only limited integration of public accommodations had occurred and continuing demonstrations failed to desegregate public accommodations until passage of the 1964 Civil Rights Act. This city was also the center of CORE's "Freedom Highways" campaign in the state.

High Point, North Carolina (1960)
Following the Greensboro sit-in, twenty-six black high school students conducted a sit-in at Woolworth's lunch counter (after listening to guest preacher, Reverend Fred Shuttlesworth). The movement at High Point was ultimately successful with desegregating lunch counters in mid-1960.

Winston-Salem, North Carolina (1960)
In the first week of the Greensboro sit-in, students began a sit-in at the S. H. Kress and Company lunch counter, followed by sit-ins at other lunch counters in the city. Lunch counters closed in April, but reopened on an integrated basis in May.

Tidewater, Virginia (February 1960)
NAACP youth branches led the student sit-in movement in the Tidewater area of Virginia. Students demonstrated at the Woolworth store (Tidewater and Norfolk), Hampton drugstore, Rose's lunch counter (Portsmith), and Bradshaw-Diehl's Department Store. Following court orders and voluntary action, lunch counters were desegregated.

Baton Rouge, Louisiana (1960-1962)
A 1960 lunch counter sit-in at S.H. Kress and Company department store and Sitman's drugstore resulted in the U.S. Supreme Court case *Garner v. Louisiana* (1961) that found Louisiana's law against disturbing the peace did not apply to the students' peaceful demonstration.

Tallahassee, Florida (1960-1963)
In February 1960, local CORE members and other students staged sit-ins at places such as the Greyhound bus terminal and Woolworth lunch counter. Arrested for disturbing the peace and unlawful assembly after a second sit-in at Woolworth, students chose jail, rather than pay bail, in what reportedly became the first "jail, no bail" strategy (later used by SNCC/CORE in Rock Hill, North Carolina in 1961). Mass arrests followed sit-ins in March 1960 and thereafter, momentum in the movement was lost due to internal divisions. Arrests in 1963 of demonstrators outside the Leon County Jail resulted in a related U.S. Supreme Court case (*Adderly v. Florida,* 1965) that retained the power of states to preserve their property for its lawfully intended use.

Jackson, Mississippi (March 1961, May-June 1963)
This movement became active in March 1961 when Tougaloo College students conducted a sit-in at the city's public library. Later sit-ins by NAACP Jackson youth branches occurred at public parks, swimming pools, and zoo. In May 1963, violent demonstrations and the assassination of Medgar Evers on June 12th temporarily revived the movement. Demonstrations ended when conservative black leaders (with support from the national NAACP office) and the Kennedy administration gained some concessions, but ultimately left segregation intact. The city was also the termination point of the May 1961 Freedom Rides.

Cambridge, Maryland (1963)
A violent local movement began in March 1963 when the Cambridge Nonviolent Action Committee (CNAC) insisted that the city desegregate. Students from other cities joined in demonstrations. Arrests and violence (including shooting and destruction of white-owned shop windows) resulted in declaration of martial law. Intervention by Attorney General Robert Kennedy in July gained concessions to desegregate public accommodations and other facilities.

National Organization Movements

Albany, Georgia Movement (November 1961-August 1962)
Albany was the site of the first major test of nonviolent direct action that brought together the local Ministerial Alliance, NAACP, SNCC, and SCLC. Action began when SNCC tested compliance with ICC orders to desegregate travel at the Trailways Bus Station. Unlike some other disturbances in the South, the Albany movement remained nonviolent in the face of massive arrests and national media attention. While not gaining concessions, Albany proved to be a testing ground for SCLC in Birmingham in 1963 and for SNCC's Mississippi Freedom Summer (voting rights) in 1964.

Birmingham, Alabama Movement (April-May and September 1963)
Birmingham was the site of nonviolent direct action's most dramatic confrontation with segregation in 1963. Between April and May, demonstrations conducted by SCLC and the Alabama Christian Movement for Human Rights (ACMHR) became violent confrontations with police, drawing widespread national and international media attention. In September, Klansman bombed the city's Sixteenth Street Baptist Church, killing four Sunday School children. Events in Birmingham led to the passage of the Civil Rights Act of 1964.

APPENDIX B.

CHRONOLOGY OF THE MAY 1961 FREEDOM RIDE: ALABAMA & MISSISSIPPI

PROPERTY	EVENT (sources on next page)
Anniston – Sunday, May 14	
Greyhound Bus Station	Mobs attacked the first bus arriving in Anniston and slashed the tires. Two FBI agents were reportedly on the bus along with Simeon Booker, a black report for *Ebony* (Halberstam, 258, 259). Leaving the terminal, the bus traveled 5 or 6 miles, broke down, and was firebombed. Riders were rescued by members of Reverend Fred Shuttlesworth's Alabama Christian Movement for Human Rights (ACMHR) and were driven to the Bethel Baptist Church and Parsonage, the designated Alabama contact point for riders.
Trailways Bus Station	The second bus arrived in Anniston and was boarded by hoodlums who attacked the riders and remained on the bus as it traveled to Birmingham.
Birmingham – May 14-20	
Trailways Bus Station	May 14 – The bus from Anniston arrived in Birmingham. Mobs attacked both the riders and waiting newsmen.
Bethel Baptist Church and Parsonage	The Bethel Baptist Church and Parsonage harbored the riders and found them sleeping places. ACMHR coordinated with Attorney General Robert Kennedy to get riders out of Birmingham.
Greyhound Bus Station	May 15 – The Attorney General worked further with Alabama authorities to secure passage for the riders. The riders went to this station to continue the Freedom Ride to Montgomery, however, no bus driver "was available." CORE then decided to end the ride and flew the riders on to New Orleans. Nashville's Student Nonviolent Coordinating Committee (SNCC) decided to resume the Freedom Ride, and the group's leader, Diane Nash, coordinated the group's plans with Attorney General Kennedy, the Department of Justice, and Reverend Fred Shuttlesworth. May 17 – Sheriff Bull Connor boarded the bus as it approached Birmingham and arrested two riders. Upon arrival, police newspapered the bus windows (Halberstam, 202-203) and after 2 to 3 hours, arrested the riders who were taken into the waiting area and then jailed. May 19 – Bull Connor drove the riders to the Tennessee border. SNCC dispatched a driver and returned the riders to Shuttlesworth's house where a second SNCC group arrived by train to join the first group. The riders then spent the night at the station and arranged for a bus to take them to Montgomery (Halberstam, 297). May 20 – City police and the Alabama Highway patrol—with 16 patrol cars in front, 16 behind, and a helicopter (Halberstam, 305)—escorted the bus to the Montgomery city limits.

PROPERTY	EVENT (sources on next page)
Montgomery – May 20-24	
Greyhound Bus Station	May 20 – At the station, mobs came out from everywhere and attacked riders, newspeople, and federal agent John Siegenthaler in the street. Some riders fled over a low wall with an 8' drop to a concrete ramp and ran to the neighboring federal courthouse building (Lewis, 155). The Freedom Riders spent their first night in the hospital, and the second day at the home of Richard (or Dean) Harris, a black pharmacist and Montgomery Improvement Association supporter (Halberstam, 325). Riders met at Reverend Solomon Snowden Seay's house and stayed at various homes.
	May 20, 21 – Federal marshals were sent to Maxwell AFB, Montgomery.
First Baptist Church	May 21 – A mass meeting with Reverends Martin Luther King, Jr., Ralph Abernathy, and Fred Shuttlesworth was held hostage by a mob surrounding the building and extending into a cemetery and a park across the street. Federal marshals fired tear gas to control the mob and King, Kennedy, and Governor John Patterson conferred by phone. Martial law was declared and 1,500 churchgoers were released at 4:00/4:30 a.m. under armed guard.
Greyhound Bus Station Trailways Bus Station	May 24 – More than one hundred National Guardsmen were stationed at the Greyhound terminal. King, Abernathy, and others went to the station's waiting room and snack area. An escorted bus left for Jackson, Mississippi. The escort included highway patrol cars, FBI spotter cars, a helicopter, and U.S. Border Patrol planes. Four hours later, fourteen riders unexpectedly left on a second unescorted bus (Branch, 471-472, states that the first bus left the Trailways station, and a second bus left from the Greyhound station; whereas James Farmer reported two buses leaving the Greyhound station (Raines, 123).
Jackson – May 24	
Greyhound Bus Station	Troops were stationed both inside and outside the terminal. Riders were arrested in the white waiting room, snack area, white restroom, and white cafeteria. (Halberstam, 339; Barnes, 165; Lewis, 167; and Raines, 125).
Trailways Bus Station	Photo documentation indicates that a second bus arrived at this station (Library of Congress, LC-USZ62-119919). The riders were quickly arrested. Activist James Lawson was arrested in the whites-only restroom (Branch, 474). The *New York Times* and *Pittsburgh Press* reported that two Trailways buses arrived here.

Sources:
Catherine Barnes, *Journey from Jim Crow*: *The Desegregation of Southern Transit* (New York: Columbia University Press, 1983).
John Lewis with Michael D'Orso, *Walking with the Wind: A Memoir of the Movement* (San Diego: Harcourt Press, 1999).
Taylor Branch, Parting the Waters: America in the King Years 1954-63 (New York: Simon & Schuster, 1989).
David Halberstam, *The Children* (New York: Random House, 1998). This source does not identify stations.
Howell Raines, My Soul is Rested: Movement Days in the Deep South Remembered (New York: Putnam, 1977).
New York Times, May 25, 1961.
Pittsburgh Press, May 25, 1961.

APPENDIX C.
CIVIL RIGHTS ACTS, INTERSTATE COMMERCE COMMISSION RULINGS, AND U.S. SUPREME COURT RULINGS

The tables in this appendix include federal legislation and rulings by both the Interstate Commerce Commission and the U.S. Supreme Court regarding the legality of segregated public accommodations. The listings are divided into the chronological eras contained in this study's registration guidelines. Court cases and congressional legislation contained herein reflect the history of the nation's civil rights eras.

RECONSTRUCTION AND REPRESSION, 1865-1900

Year	Act/Case	Description	Case Facts/Property	State
1866	Civil Rights Act of 1866	To enforce the end of slavery and ensure equal rights for freed blacks, the Republican Congress passed the Civil Rights Act of 1866. The act declared that all persons born in the U.S. (except Indians) were citizens regardless of race, color, or previous condition of slavery or involuntary servitude.		
1873	*Washington, Alexandria & Georgetown RR v. Brown* 84 U.S. 445	Court's first ruling against segregation in a railroad case actually served as an anomaly.	In 1868, a black passenger was forced to leave the car reserved for whites to another car reserved for blacks.	D.C.
1875	Civil Rights Act of 1875 18 Stat. 335	A congressional effort to protect the rights of blacks was later declared unconstitutional by the Supreme Court. It promised that all persons, regardless of race, had equal access to public accommodations.		
1878	*Hall v. DeCuir* 95 U.S. 485	Court struck down anti-segregation statute, stating that only Congress could regulate interstate travel. (Ruling was reversed 12 years later when the Court allowed a state to act without Congress in enforcing a pro-segregation statute, *Louisville*, 1890.)	Black passenger was segregated on a steamboat traveling between Louisiana and Mississippi. Louisiana sued the steamboat line for breaking its anti-segregation law that called for "equal rights and privileges" for all races in public travel.	LA

Sources: Cases gathered from Mark Grossman, *The ABC-CLIO Companion to the Civil Rights Movement* (Santa Barbara: ABC-CLIO, Inc., 1993); "History of Major LDF Cases" at http://www.ldfla.org/ldfcases.html; "Race and the Supreme Court" at www.lawbooksusa.com/cconlaw/zzrace.htm; a database of U.S. Supreme Court cases compiled under the topic of public accommodations at http://www.usscplus.com; FindLaw website under U.S. Constitution: Fourteenth Amendment; Annotations under areas of discrimination in transportation and public facilities at http://www.caselaw.1p.findlaw.com/data/constitution/amendment14/29.html; Nancy Anderman Guenther, *United States Supreme Court Decisions*: *An Index to Excerpts, Reprints, and Discussions* (Metuchen, N.J.: The Scarecrow Press, Inc., 1983) in index under race discrimination in public facilities, civil rights protests, and race discrimination in transportation; Catherine Barnes, *Journey from Jim Crow: The Desegregation of Southern Transit* (New York: Columbia University Press, 1983); Ralph Luker, *Historical Dictionary of the Civil Rights Movement*; Appendix III to opinion of Mr. Justice Douglas listing Corporate Business Establishments involving sit-in cases before the Court during the 1962 and 1963 terms in *Bell v. Maryland*, 378 U.S. 226 (1964); Joel B. Grossman and Joseph Tanenhaus, eds., "A Model for Judicial Policy Analysis: The Supreme Court and the Sit-In Cases," in *Frontiers of Judicial Research* (New York: John Wiley and Sons, Inc., 1969), pp. 459-460 contain a list of the eighty-one cases that went before the Supreme Court between 1957-1967. The Court granted review of sixty-one. All but four decided in favor of demonstrators or in a way that favored the sit-in movement (p. 424).

Year	Act/Case	Description	Case Facts/Property	State
1883	Civil Rights Cases 109 U.S. 3 *United States v. Stanley* *United States v. Ryan* *United States v. Nichols* *United States v. Singleton* *Robinson v. Memphis and Charleston Railroad Co.*	Court found the 1875 Civil Rights Act unconstitutional, citing that the Thirteenth Amendment outlawed slavery and involuntary servitude, not private discrimination, and that the Fourteenth Amendment gave Congress power to restrain states, but not individuals, from acts of racial discrimination and segregation.	Five combined cases tested public accommodations of the Civil Rights Act of 1875. The federal government sued on behalf of injured parties who had suffered private discrimination. *Stanley*: Inn**,** Kansas *Ryan*: Maguire's Theater, San Francisco on Bush Street between Montgomery and Kearney. *Nichols*: Nichols House (inn), Missouri *Singleton*: Grand Opera House, New York *Robinson:* Tennessee Railroad Parlor Car	CA KS MI NY TN
1887	Interstate Commerce Act 49 U.S.C. Section 1	This act aimed to achieve consistent enforcement of certain principles embedded in common law. It prohibited discrimination between persons and created the Interstate Commerce Commission (ICC) to regulate the act.		
1887	*Council v. Western & Atlantic Railroad Company* 1 ICC 339	ICC ruled that unequal facilities violated Section 3 of the Interstate Commerce Act.	Black passenger boarding a train in Chattanooga was moved to the black car.	TN
1888	*Heard v. Georgia Railroad Company* 1 ICC 428	ICC ruled that separate and unequal accommodations violated Section 3 of the Interstate Commerce Act.	Georgia Railroad Company required a first-class paying black passenger to ride in the "Jim Crow car."	GA
1890	*Louisville, New Orleans & Texas Railway v. Mississippi* 133 U.S. 587	Court upheld pro segregation, thus ruling the opposite of *Hall v. DeCuir* (1878) in which the court found the regulation of interstate travel to be the sole province of Congress.	Mississippi statute ordered plaintiff to provide a segregated car on all its trains traveling through Mississippi. The railroad sued to stop infringement on interstate commerce.	MS
1896	*Plessy v. Ferguson* 163 U.S. 537	Court upheld right of states to impose "separate but equal" facilities for blacks.	Homer Plessy, a black man, sat in the whites-only section of a passenger train, thus violating an 1890 Louisiana statute creating "separate but equal" train facilities.	LA

REKINDLING CIVIL RIGHTS, 1900-1941

Year	Act/Case	Description	Case Facts/Property	State
1900	*Chesapeake and Ohio Railway Company v. Kentucky* 179 U.S. 388	Court ruled that a separate coach law is not an infringement upon exclusive power of Congress to regulate interstate commerce. Decision reaffirmed *Louisville* ruling (above) that found state segregation laws applicable only to intra state travelers did not violate the commerce clause.	Kentucky statute required carriers to furnish separate coaches or cars of equal quality for white and black passengers. Railway company challenged legality of law over power of Congress in commerce.	KY
1907	*Edwards v. Nashville* 12 ICC 247	ICC ordered end to inequality.	(case specifics unknown)	
1910	*Chappelle v. Louisville & N.R.R.* 19 ICC 456	ICC ruled that a southern railway lines must treat private cars of traveling black minstrel show the same as private cars owned by whites.	(case specifics unknown)	
1910	*Chiles v. Chesapeake & Ohio Railway* 218 U.S. 71	Court found that if Congress failed to enact laws regarding segregation in interstate travel, the railway lines themselves had the right to make those rules, thereby upholding the Jim Crow rule in interstate travel. (The case was essentially overruled 31 years later in *Mitchell*.)	Black passenger with a first class train ticket from Washington, D.C., to Lexington, Kentucky was ordered from the first class whites-only section to the black section.	KY
1913	*Butts v. Merchants & Miners Transportation Company* 230 U.S. 126	Court found suit to be without merit because *Civil Rights Cases* rendered the 1875 Civil Rights Act moot. No federal protection was available against racial discrimination in public accommodations.	A black passenger, who had purchased a first class ticket on a ship**,** was asked to move to the segregated black section and forced to eat only after the white passengers finished.	MD VA
1914	*McCabe v. Atchison, Topeka & Santa Fe Railway* 235 U.S. 151	Court dismissed case because of procedural defects. However, justices emphasized that equal protection was a right belonging to the individual, not simply to blacks as a group.	Black plaintiffs bought suit against five railway companies to restrain them from complying with a proposed Oklahoma law that would require railway companies to provide separate coaches for the accommodations of the races.	OK
1920	*South Covington & Cincinnati Street Railway Company v. Kentucky* 252 U.S. 399 *Cincinnati, Covington & Erlanger Ry v. Kentucky* 252 U.S. 408	Court ruled that because a streetcar company was a separate operation in Kentucky, the company had to obey its laws. Court ruled that "the distinction counsel made between street railways and other railways, and between urban and interurban roads" were of no concern, and that the issue of interference with interstate commerce was disposed of in the above companion case.	Kentucky charged streetcar company (that operated between Ohio and Kentucky) with violating its 1915 act requiring separate accommodations for blacks and whites. (same as above)	KY

Year	Act/Case	Description	Case Facts/Property	State
1935	Motor Carrier Act 49 U.S.C. Section 301	Act gave ICC control over bus and truck traffic. Section of act prohibited discrimination on interstate buses. Regardless, bus segregation was not challenged until after *Brown v. Board of Education* in *Keys v. Carolina Coach Company* (1955).		

BIRTH OF THE CIVIL RIGHTS MOVEMENT, 1941-1954

Year	Act/Case	Description	Case Facts/Property	State
1941	*Mitchell v. United States et al.* 313 U.S. 80	Court upheld right of blacks to sue for discrimination in interstate travel over objections of the ICC, and found that the plaintiff had been discriminated against by the railway. Effects of ruling were limited to first class travel. Case was an important precedent to *Morgan* (1946) decision.	After traveling from Tennessee into Arkansas, Congressman Arthur Mitchell was moved from his first class Pullman train car to one reserved for blacks in accordance with Arkansas law. ICC dismissed the complaint on the grounds that "there was relatively little colored traffic on the line."	AR
1946	*Morgan v. Commonwealth of Virginia* 328 U.S. 373	Court found state-imposed segregated seating on interstate bus travel unconstitutional. (Question closed 16 years later in *Bailey*, 1962.) Ruling had little impact on segregated travel, as rail and bus lines established company regulations for interstate travelers and segregated travel continued throughout the South until the 1961 Freedom Rides.	Black passenger on bus was convicted of violating state statute requiring segregation of white and colored passengers while traveling from Saluda, Virginia, to Maryland.	VA
1948	*Bob-Lo Excursion Company v. Michigan* 333 U.S. 28	Court sustained a state's power to prohibit discrimination in transportation even where the carrier was interstate or international. Application of state anti-discrimination statute did not violate Congressional authority to regulate interstate or foreign commerce.	Ferry company denied boarding to a black passenger on a trip from Detroit to Bois Blanc Island, Canada.	MI
1950	*Henderson v. U.S.* 339 U.S. 816	Court found separate accommodations on dining cars violated Section 3 of the Interstate Commerce Act of 1887. Court heard this case the same day as prominent school desegregation cases, marking the first instance in which the government attacked the entire Jim Crow system. Court did not reach constitutional issues, leaving the separate but equal rule intact.	Black railway passenger was asked to give up the last seat in the dining car with the offer to be called when a seat became available. He was never called. ICC refused to hear the case.	DC GA
1953	*District of Columbia v. John R. Thompson Co., Inc.* 346 U.S. 100	Court upheld validity of an 1872 anti-discrimination statute that gave blacks equal access to certain public accommodations and was supported by Eisenhower administration's Justice Department.	Black and white students, led by Howard University students, initiated a sit-in and picket line at Thompson's Cafeteria.	DC

Year	Act/Case	Description	Case Facts/Property	State
1954	*Muir v. Louisville Park Theatrical Association* 347 U.S. 971	Court found racial segregation in public facilities leased to a nonpublic agency unconstitutional. (Court remanded case for further consideration in light of *Brown.*)	Association leasing a city-owned amphitheater refused to sell a ticket to a black patron.	KY

THE MODERN CIVIL RIGHTS MOVEMENT, 1954-1964

Year	Act/Case	Description	Case Facts/Property	State
1955	*Mayor and City Council of Baltimore City v. Dawson* 350 U.S. 877 *Holmes v. Atlanta* 350 U.S. 879	Court required end to racial segregation at public beaches in this first extension of logic in *Brown* to other facilities (affirming without comment). Henceforth, Court dealt with ways desegregation was avoided, rather than straightforward issues of the legality of segregation in public places.	In *Mayor*, suit challenged racially segregated public beaches. In *Holmes*, black citizens filed to desegregate city's golf courses.	MD GA
1955	*NAACP et al. v. St. Louis-San Francisco Railway Company et al.* 297 ICC 335 *Keys v. Carolina Coach Company* 64 ICC 769	ICC, for the first time, rejected the separate but equal doctrine when it found segregation on trains, buses, and in station waiting rooms violated the law. However, independently operated lunch rooms, not under ICC jurisdiction, were not subject to the finding. Segregation continued on buses until challenged by 1961 Freedom Rides.	NAACP filed suit against virtually every major Southern railway (twelve) that separated white and black travelers in its railway coach, train, and station waiting rooms. Union News Company operated an independent lunch room at the Broad Street Terminal in Richmond. In *Keys*, after a black passenger refused to move to the back of the bus, the driver moved all the other passengers to a second bus and denied boarding to the black passenger in Roanoke Rapids.	VA NC
1956	*South Carolina Electric and Gas Company v. Flemming* 351 U.S. 901	Court confirmed a Fourth Circuit Court of Appeals decision extending the Supreme Court's decision in *Brown* to public transportation (implied approval by refusing to hear appeal).	Bus driver forced black passenger to change seats.	SC
1956	*Gayle v. Browder* 352 U.S. 903	Court ruled that the Fourteenth Amendment prohibits racial segregation on both intrastate and interstate transportation.	On behalf of five African American women, the Montgomery Improvement Association filed this case that grew out of the year-long Montgomery bus boycott.	AL
1958	*New Orleans City Park Improvement Association v. Detiege* 358 U.S. 54	Court affirmed appeal from the 5th Circuit that found state laws and city ordinances requiring segregation of city parks unconstitutional.	Black plaintiffs sued to have declared unconstitutional all state laws that prevented their use on the same basis as white persons of the golf course and other facilities of City Park.	LA

Year	Act/Case	Description	Case Facts/Property	State
1958	*Evers v. Dwyer* 358 U.S. 202	Court ruled controversy must be adjudicated by the court even when the appellant may have boarded the bus for the purpose of instituting litigation.	In Memphis, the black plaintiff had been ordered to the back of the bus based on race.	TN
1959	*State Athletic Commission v. Dorsey* 359 U.S. 533	(affirmed)	Case involved segregated athletic contests.	LA
1961	*Boynton v. Virginia* *364 U.S. 454*	Court ruled that the Motor Carrier Act prohibited discrimination in bus stop restaurants during interstate trips.	Richmond Trailways lunch counter, leased from Trailways by Bus Terminal Restaurants, refused service to black passengers.	VA
1961	*Burton v. Wilmington Parking Authority* 365 U.S. 715	Court found states responsible in the area of civil rights for the conduct of businesses to which they rent land. Together with *Derrington* and *Coke* (federal appeals court), this decision helped to define state and private discriminatory action and legal requirements of tenants of state property.	Eagle Coffee Shoppe**,** located on publicly owned land in Wilmington, refused service to a black man. *Derrington*, (5th Cir., Harris County, Texas) and *Coke* (federal district court) involved a courthouse restaurant and the Atlanta Dobbs House Restaurant respectively.	DE
1961	*Garner et al. v. Louisiana* 368 U.S. 157 *Briscoe et al. v. Louisiana* *Hoston et al. v. Louisiana*	Court overturned the conviction of sit-in demonstrators for "disturbing the peace."	Sit-down protesters at S.H. Kress department store and Sitman's drugstore in Baton Rouge, who asked to be served, were charged with disturbing the peace.	LA
1962	*Bailey et al. v. Patterson et al.* 369 U.S. 31	Court ruled that no state may require racial segregation of interstate or intrastate transportation facilities. Court stated that this question is closed, having been settled in *Morgan, Gayle,* and *Boynton*.	Black appellants in Jackson brought action seeking injunctions to enforce constitutional right to nonsegregated service in inter and intrastate transportation.	MS
1962	*Turner v. City of Memphis, et al.* 369 U.S. 350	Court found constitutionality of state statutes requiring racial segregation in publicly operated facilities foreclosed as a litigable issue.	Dobb's House, Inc., leasing from the City of Memphis at the municipal airport, refused to serve blacks.	TN
1962	*Taylor v. Louisiana* 370 U.S. 154	Court reversed breach of the peace violation because the only supporting evidence was the custom of racial segregation in waiting rooms, a practice not allowed by federal law in interstate transportation facilities.	Black interstate passengers were arrested for violating a breach of the peace statute after entering the white waiting room at the Trailways Bus Depot in Shreveport.	LA
1963	*Edwards v. South Carolina* 372 U.S. 229	Court affirmed rights of peaceful civil rights demonstrators to freedom of assembly, petition, and speech under the First and Fourteenth Amendments.	African American march on the South Carolina State House resulted in conviction of violating state breach of peace law.	SC

Year	Act/Case	Description	Case Facts/Property	State
1963	*Johnson v. Virginia* 373 U.S. 61	Court found that a state may not require racial segregation in a courtroom.	In Richmond, a black person seated in the Traffic Court's reserved white section refused to move and was arrested for contempt.	VA
1963 5/20	*Peterson v. City of Greenville* 373 U.S. 244	Court ruled that protesters of segregated dining facilities could not be arrested for trespassing when the prosecution was based on a segregationist statute. *Peterson* was considered the principal "sit-in case" before the Supreme Court along with *Lombard, Avent,* and *Gober* below. Five cases were remanded in 1963 and three cases in 1964 based on *Peterson*.	Black diners were arrested for trespassing after refusing to leave S.H. Kress restaurant in Greenville.	SC
1963 5/20	*Lombard et al. v. Louisiana* 373 U.S. 267	Court found a government official's attempt to uphold segregationist practices, even in the absence of specific segregationist laws, was contrary to the Fourteenth Amendment.	Sit-in students at the McCrory Five and Ten Cent Store in New Orleans were charged with "criminal mischief" even though no state or city statute required segregation in dining facilities.	LA
1963 5/20	*Avent v. North Carolina* 373 U.S. 375	Court vacated and remanded conviction in light of *Peterson* (1963).	In Durham, five black students and two white students were convicted of criminal trespass for sitting at an S.H. Kress lunch counter customarily reserved for whites.	NC
1963 5/20	*Gober v. Birmingham* 373 U.S. 374	Court found a city ordinance requiring racial segregation in public accommodations unconstitutional.	Ten black students were convicted of criminal trespass for sitting at white lunch counters in S.H. Kress department stores in Birmingham.	AL
1963 5/20	*Shuttlesworth v. City of Birmingham* 373 U.S. 262	Court overturned convictions of aiding and abetting violation of criminal trespass based on *Gober*.	Minister asked demonstrators to participate in sit-in demonstrations in J. J. Newberry Co., Pizitz, and F. W. Woolworth.	AL
1963 5/20	*Wright v. Georgia* 373 U.S. 284	Court found that one cannot be punished for failing to obey a command which violates the Constitution. In this case, the police officers' command violated the Equal Protection Clause of the Fourteenth Amendment since the command was intended to enforce racial discrimination in a park.	Six black petitioners playing basketball at Daffin Park, Savannah, customarily used only by whites, were convicted of breach of peace.	GA

Year	Act/Case	Description	Case Facts/Property	State
1963	*Watson et al. v. City of Memphis et al.* 373 U.S. 526	Court found segregated public accommodations illegal and ordered desegregation to proceed with all deliberate speed.	Black citizens filed suit against city to quicken the pace of desegregation of public parks and other public accommodations. City claimed to be proceeding slowly to ensure public safety and calm.	TN
1963 6/10	*Randolph v. Virginia* 374 U.S. 97	Court remanded case to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson* (1963)	Talhimer Brothers Department Store, Richmond.	VA
1963 6/10	*Henry v. Virginia* 374 U.S. 98	Court remanded case to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson* (1963)	Howard Johnson	VA
1963 6/10	*Thompson v. Virginia* 374 U.S. 99	Court remanded case to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson* (1963)	Patterson Drug, Lynchburg	VA
1963 6/10	*Wood v. Virginia* 374 U.S. 100	Court remanded case to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson* (1963)	Patterson Drug, Lynchburg	VA
1963 6/17	*Daniels v. Virginia* 374 U.S. 500	Court remanded case to the Supreme Court of Appeals of Virginia for reconsideration in light of *Peterson* (1963)	403 Restaurant, Alexandria	VA
1964 1/6	*Schiro v. Bynum* 375 U.S. 395	Court affirmed a lower court decision ordering the city of New Orleans to desegregate its auditorium.	Municipal Auditorium, New Orleans	LA
1964 6/22	*Bouie v. City of Columbia* 378 U.S. 347	Court found that petitioners were denied their right to a fair warning of a criminal prohibition, and thus the arrest violated the due process clause of the Fourteenth Amendment.	After being seated, two black students in the restaurant department at Eckerd's in Columbia were arrested for trespassing after a store employee put up a chain with a no trespassing sign attached.	SC
1964 6/22	*Bell v. Maryland* 378 U.S. 226	Court remanded case to consider whether the convictions should be nullified in view of the supervening change in state law finding it unlawful to discriminate in public accommodations that had occurred between time of review at the state court and the Supreme Court. Court avoided ruling on constitutionality issue.	Twelve black students were convicted of trespassing while participating in a sit-in at Hooper's Restaurant in Baltimore.	MD
1964 6/22	*Robinson et al. v. Florida* 378 U.S. 153	Court held that the absence of state action in segregation was a non-mitigating factor in whether the discrimination was legal. (Holding based on *Peterson*, 1963).	Students staging a sit-in at a Shell's City Restaurant in Shell's Department Store in Miami were arrested for violating a state statute by remaining in the restaurant after the manager asked them to leave.	FL
1964 6/22	*Barr v. City of Columbia* 378 U.S. 146	Court found no evidence to support breach of peace or trespassing.	Five black students at a sit-in demonstration at Taylor Street Pharmacy in Columbia were arrested for trespassing and breach of peace.	SC

Year	Act/Case	Description	Case Facts/Property	State
1964 6/22	*Griffin v. Maryland* 378 U.S. 130	Court ruled that when a State acts to enforce a private policy of racial segregation, it violates the Equal Protection Clause of the Fourteenth Amendment.	A deputy sheriff arrested blacks entering Glen Echo Amusement Park in Montgomery County for refusing to leave a privately owned and operated amusement park.	MD
1964 6/22	*Mitchell v. City of Charleston* 378 U.S. 551	Court reversed judgment per *Bouie* (1964).	S. H. Kress	SC
1964 6/22	*Williams v. North Carolina* 378 U.S. 584	Court reversed judgment per *Bouie* (1964).	Jones Drug Co. in Monroe.	NC
1964 6/22	*Fox v. North Carolina* 378 U.S. 587	Court remanded case to the Supreme Court of North Carolina for consideration in light of *Robinson* (1964).	McCrory's	NC
1964 6/22	*Green v. Virginia* 378 U.S. 550	Court remanded case to the Supreme Court of North Carolina for consideration in light of *Robinson* (1964).	National White Tower System in Richmond.	VA
1964 6/22	*Harris v. Virginia* 378 U.S. 552	Court remanded case to the Supreme Court of Appeals of Virginia for consideration in light of *Peterson* (1963) and *Robinson* (1964).	George's Drug Store in Hopewell.	VA
1964 7/2	Civil Rights Act of 1964 P.L. 88-352, 78 Stat 241	Title II guaranteed equal access to public accommodations such as hotels, motels, restaurants, and places of amusement.		
1964 12/14	*Hamm v. City of Rock Hill* *Lupper v. Arkansas* 379 U.S. 306	Court ruled that the Civil Rights Act precluded state trespass prosecutions for peaceful attempts to be served on an equal basis, even though the prosecutions were instituted prior to the act's passage.	Blacks were convicted of violating state trespass statutes during sit-ins at McCrory's, Rock Hill, South Carolina, and Gus Blass Company (department store), Little Rock, Arkansas prior to passage of the Civil Rights Act.	AR SC
1964 12/14	*Heart of Atlanta Motel v. United States* 379 U.S. 241	Court upheld the constitutionality of Title II, public accommodations clause of the 1964 Civil Rights Act.	U.S. ordered Heart of Atlanta Motel to admit black guests. Motel argued that Title II of the act, prohibiting racial discrimination in places of public accommodation in which interstate travelers were served, had been struck down by the Court in 1883 as being an infringement of the Commerce Clause, Article 1, Section 8, of the Constitution.	GA
1964 12/14	*Katzenbach v. McClung* 379 U.S. 294	Along with *Heart of Atlanta,* Court upheld the constitutionality of Title II of the Civil Rights Act of 1964.	Ollie's Barbecue in Birmingham refused to serve black patrons inside and required them to use the take-out service. U.S. sued for compliance under Title II. Restaurant claimed denial of due process in commerce.	AL

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Year	Act/Case	Description	Case Facts/Property	State
1965	*Blow v. North Carolina* 379 U.S. 684	Court found that convictions made prior to the passage of the Civil Rights Act were abated by passage of the act. (Follows *Hamm*, 1964)	Blacks denied entry to the Plantation Restaurant in Enfield were convicted of violating a state statute making it a crime to enter upon the lands of another without a license after being forbidden to do so.	NC
1965	*Drews v. Maryland* 381 U.S. 421	Court denied reviewing a lower court decision fining petitioners $25 for disturbing the peace.	Two blacks and three whites facing hostile crowds in Gwynn Oak Park, an amusement park in Baltimore County, were told the park was closed to colored persons and were subsequently charged with disturbing the peace.	MD
1966	*Evans v. Newton* 382 U.S. 296	Court found that use of a public park is a governmental action, and therefore any segregation violated the Fourteenth Amendment.	City of Macon segregated a park that had been deeded to the city for use by whites.	GA
1966	*Brown v. Louisiana* 383 U.S. 131	Court ruled that interference with the right to protest the unconstitutional segregation of a public facility is intolerable under the Constitution.	Five blacks (CORE) entered the segregated Audubon Regional Library in Clinton in March 1964 and were convicting for violating a breach of peace statute.	LA
1966	*United States v. Guest* 385 U.S. 745	Court found that interstate travel is a right secured under the Fourteenth Amendment.	Six white men stopped and shot a black teacher driving through Georgia.	GA
1966	*Georgia v. Rachel* 384 U.S. 780	Court remanded case based on *Hamm* (1964) to provide respondents opportunity to prove that their prosecutions resulted from the order to leave public accommodations for racial reasons.	Respondents were arrested on various dates in 1963, under the state's criminal trespass statute, when they sought service at Atlanta restaurants	GA
1968	*United States v. Johnson* 390 U.S. 563	Court found that remedy provisions of the Civil Rights Act of 1964 did not foreclose criminal action against outsiders having no relation to the proprietors or owners.	Hoodlums assaulted blacks for exercising their right to patronize a restaurant.	GA
1969	*Shuttlesworth v. Birmingham* 349 U.S. 147	Court found Birmingham's parade permit law invalid, thus vindicating Martin Luther King, Jr.'s 1963 Easter Sunday civil rights march.	Reverend Fred Shuttlesworth was convicted for violating a Birmingham ordinance making it an offense to participate in any "parade or procession or other public demonstration," without first obtaining a permit.	AL
1969	*Daniel et al. v. Paul* 395 U.S. 298	Court clarified definition of "public accommodation" to include recreational areas as a "place of entertainment" under Title II of the Civil Rights Act.	Lake Nixon Club, an amusement and entertainment center based in Little Rock, refused to serve black customers on the basis that it was a private club.	AR

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1970	*Adickes v. S. H. Kress & Co.* 398 U.S. 144	Court found that private businesses were not liable for damages from racial discrimination, even if the discriminatory action violated state policy. Since S.H. Kress was not being ordered by the state to keep its segregationist policy, plaintiff could not recover damages.	Plaintiff arrested in the S.H. Kress restaurant in Hattiesburg sued under provisions of 42 USC 1983, which prohibited discrimination "under the color of law."	MS
1971	*Palmer et al. v. Thompson* 403 U.S. 217	Court found the closure of segregated facilities to all persons did not constitute a denial of equal protection.	To avoid a district court ruling that all of Jackson's public facilities be open to all races, the city sold off ownership in four city pools and handed the lease on a fifth pool to the YMCA which continued to operate the pool for whites only.	MS